

# **PUBLIC SERVICE COMMISSION OF UTAH**

Docket No. 21-057-24

## **HEARING**

December 14, 2021

### **ADVANCED REPORTING SOLUTIONS**

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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Request of the Division of )  
Public Utilities for )  
Enforcement Action under the )  
Natural Gas Pipeline Safety )  
Act against Dominion Energy ) DOCKET NO. 21-057-24  
Utah )  
----- )

VIDEOCONFERENCE HEARING

TAKEN THROUGH ADVANCED REPORTING SOLUTIONS VIA ZOOM

Taken on Tuesday, December 14, 2021

At 9:01 a.m.

Reported by: Christina Essi, RPR, CSR

A P P E A R A N C E S

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ALSO PRESENT:

Yvonne R. Hogle, Esq., Presiding Officer

Jacob Richardson

Sam Johnston

Kelly Mendenhall

Reid Hess

Matthew Bartol

Logan Voellinger

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P R O C E E D I N G S

-o0o-

MS. HOGLE: It's December 14th, 2021, about nine o'clock in the morning and it's the date and time to consider the stipulation reached in the matter of the request of the Division of Public Utilities for enforcement action under the Natural Gas Pipeline Safety Act against Dominion Energy Utah in Docket Number 21-057-24. Let's take appearances for the record, please.

MS. CLARK: Good morning. My name is Jennifer Clark. I am counsel for Dominion Energy. I have with me Kelly Mendenhall; he'll be speaking on behalf of the Company. We also have with us Reid Hess and Matthew Bartol and they are available for questions if any of the Commissions' questions require their expertise.

MS. HOGLE: Thank you. For the division, please.

MS. SCHMID: Good morning. Patricia E. Schmid with the Utah Attorney General's office for the Division of Public Utilities. With me is the Division's witness today, Mr. Logan Voellinger. Thank you.

MS. HOGLE: Okay, Ms. Clark, you can go.

1 MS. CLARK: The Company calls Kelly  
2 Mendenhall.

3 -o0o-

4 KELLY MENDENHALL,  
5 was called as a witness, and having been first duly  
6 sworn to tell the truth, the whole truth, and nothing  
7 but the truth, testified as follows:

8 EXAMINATION

9 BY MS. CLARK:

10 Q Mr. Mendenhall, please state your full name  
11 and business address for the record.

12 A Kelly B. Mendenhall. And my business address  
13 is 333 South State Street, Salt Lake City, Utah.

14 Q What position do you hold with the Company,  
15 Mr. Mendenhall?

16 A I'm the director of regulatory and pricing.

17 Q And did you participate in the preparation of  
18 the stipulation that is at issue today?

19 A Yes, I did.

20 Q And can you please summarize the stipulation  
21 and the release of party's request?

22 A Sure. So maybe the easiest thing to do is  
23 just to go through the terms and conditions of the  
24 stipulation. So if I can have you turn to page 4 of  
25 Exhibit A and we'll start on paragraph 8. And while

1 everybody is turning there, I'll just say that while the  
2 parties weren't able to agree to all of the allegations  
3 in the notice, we were able to agree on all the steps  
4 that the Company should take moving forward related to  
5 meter protection. And so what you're going to see here  
6 in these terms and conditions are a variety of steps that  
7 the Company has taken or plans to take.

8           So if we start on page 4, terms and  
9 conditions, paragraph 8, this basically just says that  
10 the parties agree that the approval of the stipulation is  
11 just, reasonable, and in the public interest.

12           Moving on to paragraph 9 and 10 on page 5,  
13 this discusses some of the federal laws related to meter  
14 protection and placement. And this just says that the  
15 Company will comply with those laws. Additionally, the  
16 Company plans to make some tariff changes that would  
17 require meter protection. In instances where the Company  
18 deems meter protection is necessary, we would make it a  
19 condition of service. So that will give us a little more  
20 teeth in our tariff to help customers to comply with  
21 those meter protection guidelines. And I think in  
22 paragraph 10 it says we plan to file within 60 days.  
23 I'll tell you, we've worked through some language with  
24 the Division office and are prepared to make that filing  
25 shortly after receiving a Commission order. So that

1 tariff language is pretty much drafted and ready to go.

2           Moving on to paragraph 11, 12, and 13, these  
3 paragraphs talk about some changes and revisions that  
4 we're going to make to various policies and procedures.  
5 So paragraph 11 talks about updated pre-construction  
6 policies. This is important because our pre-construction  
7 reps are the first line of communication with the  
8 homebuilders. So we're going to equip them with better  
9 education and understanding of situations that would  
10 require meter protection so that they can communicate  
11 this with the builders. Paragraph 12 talks about updated  
12 operator qualifications. So what we have here at  
13 Dominion is, in a case of people who are operations  
14 personnel who are out working on various items, they have  
15 to demonstrate that they have the ability to, in the case  
16 of this, identify situations where meter protection are  
17 necessary. So they'd need to go through those operator  
18 qualifications, you see we've listed four there, and be  
19 familiar with those and demonstrate that they have the  
20 ability to identify safe meter protection and instances  
21 where meter protection is required. So all of the  
22 employees who are dealing with the installation and  
23 inspection of meters will need to demonstrate those  
24 qualifications. And then on paragraph 13, we talk about  
25 updated standard practices. So our standard practices



1 are basically the policies and procedures that are our  
2 operations people use as they go about their day. And so  
3 we've made those more robust and specific related to  
4 meter protection. So those policies and procedures have  
5 all been completely revised and we'll be using those  
6 going forward.

7 Moving on to paragraph 14. So we identified  
8 some areas that we wanted to prioritize and these are  
9 high snowfall areas. And if you look on paragraph 14 on  
10 the third paragraph, we've identified the communities  
11 that fall into that high snowfall, accelerated assessment  
12 area. You can see it begins in Park City and ends with  
13 Cedar Highlands in southern Utah. But basically those  
14 are the areas that we really want to be able to go out  
15 and assess the meter situation and install meter  
16 protection as quickly as possible.

17 So we took that group and then we further  
18 subdivided it into meters that have been installed after  
19 2010 and meters that have been installed before 2010.  
20 The reason why we've made that distinguishment is because  
21 2010, we determined that, based on our experience, meters  
22 that have been installed prior to 2010 had probably seen  
23 some high snowfall and so we're a little bit more  
24 comfortable with those meters than the meters that have  
25 been installed after 2010. And so we basically took the

1 meters that have been installed after 2010, because they  
2 have not seen a high snowfall situation, prioritized  
3 those as kind of first priority. And then the  
4 pre-2010 meters, we decided those would take second  
5 priority. It's important to assess all of them. I'll  
6 give you kind of an overview on where we're at, with all  
7 of those assessments.

8           So let's talk about the meters that are  
9 identified in paragraph 14. So these are the meters that  
10 were installed after 2010. So just to give you an idea  
11 of where we're at on that process, we inspected about  
12 1,400 of those meters. Of those 1,400, we found there  
13 were 320 that already had existing meter protection and  
14 then we identified another 452 that needed to have meter  
15 protection installed. We committed to have that meter  
16 protection installed by November 30th of this year. So I  
17 want to give you an update of where we're at on that. So  
18 we've gone out and we met with all of the customers that  
19 fall into that category that needed meter protection.  
20 There are seven who said, hey, you know, your meter  
21 protection may not look as nice as we would like it to,  
22 not as aesthetically pleasing as we would like and so we  
23 want to build our own meter protection that kind of  
24 matches with the architecture of our home, and we said  
25 that's fine. So those are in the process of either being

1 constructed or installed, but we expect those to be  
2 installed very soon. And then we have 18 customers that  
3 just simply refused to have meter protection installed.  
4 And so in an effort to balance safety with customer  
5 satisfaction, we worked with those customers and said,  
6 okay, if you don't think you need meter protection, what  
7 we are going to do is we're going to wait for the snow to  
8 fall and then we will come with the snow on the ground  
9 and we will revisit the situation. So our goal is to try  
10 and work with those customers. You know, there may be a  
11 situation where the snow falls and we determine that  
12 they're right and it doesn't need meter protection. But  
13 in instances where we remain unconvinced and we believe  
14 there is meter protection, we're going to require it  
15 going forward. So as I've mentioned, we've inspected all  
16 of those meters, we spoke with all those customers and  
17 that's where we're at with those on those particular  
18 customers.

19 I will note that in that list of communities,  
20 you'll notice that Alta, Utah, is not included and that's  
21 because Alta was previously inspected. So in 2019, we  
22 actually inspected the meters in Alta. There were 137  
23 and we determined there were 30 that needed to have meter  
24 protection installed. And so those were all installed in  
25 2019. So that was done prior to the development of the

1 stipulation, so that's why that area is not included in  
2 this stipulation.

3           So moving on to paragraph 15. So this talks  
4 about that other category I was talking about, the meters  
5 that were installed prior to 2010 in the high snowfall  
6 areas. I'll give you an update on where we're at there.  
7 So we've gone out. We've already assessed all of those  
8 meters. There were about 5,300 meters that we assessed.  
9 We determined that of those 5,300, there are about 1,583  
10 that already have meter protection and then there are  
11 another 1,744 that will need meter protection. And we've  
12 already installed 179 of those snow shelters. So we've  
13 committed, with the remaining -- these remainders that  
14 need to be done, that we'll have those done at the end of  
15 November 2022. So we have a third-party contractor  
16 that's working through those. They'll be working during  
17 2022 and our goal is to have all of the meters that need  
18 protection in the high -- the high snowfall, accelerated  
19 assessment areas, those should be done by November of  
20 next year.

21           Additionally, along with those inspections,  
22 we've agreed to provide some reporting. So in paragraph  
23 16 and 17 we talk about the reporting. So we'll provide  
24 the Division quarterly reports that show -- and this is  
25 defined in paragraph 17, but we'll provide a list of snow

1 shelters that need to be installed as well as a list of  
2 meters that have protection. And our first report to the  
3 Division will be for this fourth quarter 2021. And then  
4 we'll continue to provide those reports. And we plan to  
5 both notify the Division and the Commission when those  
6 installations are complete. So we'll let those parties  
7 know that we've completed this process.

8 Moving on to paragraph 18. So we talked  
9 about the high snowfall, accelerated assessment areas,  
10 but we have 1.1 million meters on our system and so we  
11 believe it's important to, at some point, verify all of  
12 those as well. Obviously that's a very large task to  
13 inspect that many meters. Fortunately for us, we have a  
14 DOT program where we're required to visually inspect  
15 every meter every five years. So we're doing about a  
16 fifth of the meters every year.

17 So I mentioned those operator qualifications  
18 earlier, so what we're going to do going forward on those  
19 meters is, as part of that DOT inspection process, we're  
20 going to have our inspectors trained and ready to  
21 identify situations where meter protection is needed. So  
22 they'll be doing that as an additional part of their  
23 inspection. We plan to track that information. That's  
24 what we're saying in paragraph 20, we'll -- or, actually  
25 in paragraph 18, we'll track the same type of information

1 that we were tracking for the accelerated assessment  
2 areas, but we'll be tracking the meters that have  
3 protection already as well as the meters that need  
4 protection, and then as we work through installing that  
5 protection, we'll track that as well. And then paragraph  
6 20 is just talking about that DOT process where we are  
7 going through and inspecting about a fifth of our system  
8 meters every year.

9 So backing up to paragraph 19, the Company  
10 has agreed to contribute \$100,000, at shareholder  
11 expense, to help pay for some of these snow shelter  
12 installations. So that will just be treated as a  
13 contribution, aid of construction. It will be a  
14 reduction to rate base and we're ready to make that  
15 contribution. Basically the month that we get the  
16 Commission order, our accounting group will make that  
17 entry and we'll be able to verify that that occurred.

18 So that's kind of the major steps that we're  
19 going to take. I will just say, paragraph 21 and 22 are  
20 pretty straightforward. Basically 21 is just saying that  
21 when we have an incident, we'll do a timely investigation  
22 and as part of that investigation determine apparent and  
23 secondary root causes. And in paragraph 22, we're  
24 basically saying that Dominion is taking these measures  
25 voluntarily. So that's kind of a summary of the terms

1 and conditions of the stipulation and I'm happy to answer  
2 any questions you might have.

3 MS. CLARK: Mr. Mendenhall is available for  
4 cross-examination or hearing officer's questions.

5 MS. HOGLE: Does the Division have any  
6 questions?

7 MS. SCHMID: The Division has no questions.  
8 Thank you.

9 MS. HOGLE: I just have a couple,  
10 Mr. Mendenhall.

11 THE WITNESS: Sure.

12 CROSS-EXAMINATION

13 BY MS. HOGLE:

14 Q For the seven meters, protection meters  
15 referenced in section 14 or paragraph 14, when do you  
16 think those will be completed?

17 A The seven meters, I believe they are either  
18 currently in the process of being installed or they're  
19 being -- the shelter is being manufactured. So I would  
20 imagine, and I'm going to look at my operations folks to  
21 kick me under the table if I'm wrong, but I think they'll  
22 be done before the winter is over. Is that safe to say?

23 UNIDENTIFIED SPEAKER: Yeah, substantially  
24 they will be, correct.

25 //

1 BY MS. HOGLE:

2 Q And then what is DEU s plan with respect to  
3 how much time to give the 18 residents who don't think  
4 that they need a new meter or protection for the meter in  
5 terms of determining whether or not to study that and  
6 make sure that the DEU agrees or if they don't agree,  
7 then curious about what the next steps would be and, you  
8 know, if you're going to come into the public service  
9 commission for some help with that?

10 A Yeah, so I mentioned earlier we're going to  
11 make that tariff change that's going to make meter  
12 protection a requirement of service. So assuming that  
13 gets approved, that will be helpful because at that point  
14 we would have the ability to terminate service if they're  
15 not willing to install meter protection. But, really,  
16 you know, we want our customers to be happy, but we also  
17 want them to be safe. And so I think for us, it's just a  
18 matter of monitoring the snow. If we get some decent  
19 snow this year, which we're all hopeful will happen, then  
20 at that point if we can go and actually review, look at  
21 the meter with snow on the ground and we have a feeling  
22 that, okay, this really is a safety issue, I think we'll  
23 be pushing it sooner rather than later. Now, if we go  
24 all winter long and we don't have any snow, then it's  
25 probably not as urgent. But we definitely aren't going



1 to let this take a back seat. We're focused on it. We  
2 just trying to work with the customers. Because if  
3 they're correct and their meter doesn't require a snow  
4 shelter, we're fine with that, but we want to make sure  
5 that that's the case and it's not just done for aesthetic  
6 reasons. I don't know if I answered your question or  
7 not.

8 Q Yes. I mean, I think what I heard from you  
9 is that it is a priority for DEU and that you're going to  
10 wait to see what the weather looks like this year in  
11 terms of the snow so that you can, you know, determine  
12 whether you need to move forward with these 18 customers?

13 A Yeah. And I would say, you know, by next  
14 June, for sure, we hope to have this resolved one way or  
15 the other, at the latest, hopefully sooner.

16 Q Okay. And then one more question. Give me a  
17 ballpark of the cost associated with all of this  
18 installation of meters and protection for the meters in  
19 these areas.

20 A Sure. So the typical meter protection/snow  
21 shelter costs about \$500. It's our estimate, based on  
22 the information I've given you today, that it's probably  
23 going to be about a one and a half million dollar project  
24 for these high assessment areas that we've already  
25 identified. That's what we think the total cost will be.

1 MS. HOGLE: Okay, thank you. I don't have  
2 any more questions. Thank you for your time today.

3 THE WITNESS: Thank you.

4 MS. CLARK: The Company has nothing further,  
5 thanks.

6 MS. HOGLE: Thank you. The Division can  
7 call its witness, thank you.

8 MS. SCHMID: Thank you. The Division would  
9 like to call Mr. Logan Voellinger. May he please be  
10 sworn.

11 -o0o-

12 LOGAN VOELLINGER,  
13 was called as a witness, and having been first duly  
14 sworn to tell the truth, the whole truth, and nothing  
15 but the truth, testified as follows:

16 EXAMINATION

17 BY MS. SCHMID:

18 Q Mr. Voellinger, could you please spell your  
19 name for the record.

20 A Sure. Logan, L-O-G-A-N, and my last name,  
21 Voellinger, V-O-E-L-L-I-N-G-E-R.

22 Q By whom are you employed?

23 A The Division, the Department of Public  
24 Utilities. Pipeline Safety --

25 Q What is your -- sorry, go ahead.

1           A       Pipeline Safety Engineer is my job title.

2           **Q       What is your business address?**

3           A       It is 160 East 300 South, I believe, in Salt  
4 Lake City.

5           **Q       In Salt Lake?**

6           A       Yep.

7           **Q       Thank you. Have you participated on behalf**  
8 **of the Division in this docket?**

9           A       I have.

10          **Q       Could you please briefly describe your**  
11 **activities on behalf of the Division.**

12          A       Sure. Part of pipeline safety's  
13 responsibility requires a 24-hour on-call schedule to  
14 investigate certain natural gas related incidents when  
15 they occur. I was on-call on February 16th, 2019, when  
16 the incident in Alta, Utah, occurred and, thus, I  
17 investigated the incident. Subsequently, the Division  
18 sent the draft notice of probable violations, proposed  
19 civil penalties, and proposed compliance order, which  
20 we'll call the draft notice, to Dominion Energy wherein  
21 the Division alleged violations relating to the location,  
22 installation, and placement of the meters and other  
23 Company-owned equipment. Thereafter, as part of the  
24 settlement negotiation process, I participated in  
25 numerous exchanges of information and analysis, site

1 visits, compliance order progress updates, requests for  
2 information, various meetings with the Company, as well  
3 as in these arms-length settlement discussions.

4 **Q Do you have a statement in support of the**  
5 **stipulation which the Division signed?**

6 A Yes.

7 **Q Please proceed.**

8 A All right. So my statement today addresses  
9 in detail the pipeline safety related aspects of the  
10 settlement, including describing how the settlement  
11 satisfactorily resolves the Division's concerns presented  
12 in the draft notice. I also present testimony that the  
13 settlement agreement, taken as a whole, is in the public  
14 interest and is just and reasonable in result.

15 So because the Company has already presented  
16 the settlement agreement in detail, I'll highlight a few  
17 things of particular importance to the Division, such as  
18 the Company's agreement at the Division's request to  
19 conduct inspections and place meters and snow shelters in  
20 high snowfall areas, updated standard of practices,  
21 operator qualifications, and pre-construction policies,  
22 contribute shareholder funds, and to perform these  
23 additional inspections.

24 So, first, regarding the snow shelters, the  
25 draft notice identified probable violations concerning

1 the installation and location of customer meters and  
2 regulators. In paragraph 10 of the settlement agreement,  
3 Dominion agrees it will require a snow shelter to be  
4 placed over meters when required by the Company's updated  
5 standard practices, as described in paragraph 13 of this  
6 stipulation, also, in 49 CFR Section 192.353 or also 49  
7 CFR Section 192.357.

8 Also in paragraph 13 of the settlement  
9 agreement, Dominion has identified what it calls high  
10 snowfall areas for accelerated assessment beyond their  
11 regular inspection cycle. Dominion has inspected high  
12 occupancy structures and gas services placed from the  
13 2010 to the present in these accelerated assessment  
14 areas. And Dominion agrees, for the meters identified,  
15 it will place or will have placed an acceptable snow  
16 shelter by the end of November 2021. Meters that were  
17 installed prior to 2010 will be inspected, evaluated, and  
18 will have, if appropriate, a snow shelter in place by the  
19 end of November 2022, as we had heard already.

20 In paragraph 16 and 17, Dominion agrees to  
21 provide the Division and the Commission with reports  
22 pertaining to snow shelter installations. So regarding  
23 the standard practices, the draft notice identified  
24 probable violations concerning Dominion's standard  
25 practices. The settlement agreement addresses these

1 concerns as well as addressing pre-construction practices  
2 and Dominion's operator qualification program.

3 In paragraphs 11, 12, and 13 of the  
4 settlement agreement, the Company represents that  
5 Dominion has updated its pre-construction policies,  
6 operator qualification program, and standard practices.  
7 The Division has reviewed these documents and approves  
8 the changes made.

9 Next, I'll speak briefly about the  
10 shareholder contribution. The draft notice requested  
11 that the commission impose a penalty upon Dominion. In  
12 paragraph 19 of the settlement agreement, the parties  
13 agree that Dominion will contribute \$100,000, at  
14 shareholder expense, to pay for some of the installation  
15 of snow shelters in these accelerated assessment areas.  
16 This will directly benefit Dominion customers in these  
17 areas and enhance public safety, generally.

18 I've already spoken some about the additional  
19 inspections that we agreed to, but in paragraph 20, the  
20 settlement agreement obligates Dominion, in conjunction  
21 with its regularly scheduled meter inspections they do,  
22 to inspect all meters to see if that additional snow and  
23 ice protection is appropriate and, if so, to place the  
24 snow shelters.

25 Taken as a whole, the settlement stipulation

1 represents a reasonable compromise on the contested  
2 issues and is just and reasonable in result and is in the  
3 public interest. The Division requests that the  
4 Commission approve the stipulation as filed. That  
5 concludes my summary.

6 MS. SCHMID: Thank you. Mr. Voellinger is  
7 now available for cross-examination and questions from  
8 the hearing officer.

9 MS. HOGLE: Does DEU have any questions?

10 MS. CLARK: We have no questions, thanks.

11 BY MS. HOGLE:

12 Q Thank you. I have just a few.

13 EXAMINATION

14 BY MS. HOGLE:

15 Q [Audio interference]

16 MS. SCHMID: I'm sorry, could you please  
17 repeat the question? You broke up a little bit.

18 BY MS. HOGLE:

19 Q Sure. What was the penalty that EPU proposed  
20 in this instance; do you recall?

21 A I don't recall. Trish, do you know what the  
22 proposed?

23 MS. SCHMID: Yes, I do. The Division in its  
24 draft notice proposed a million dollar penalty.

25 MS. HOGLE: Okay. I don't have any more

1 questions. I don't have additional questions for,  
2 Mr. Voellinger. Thank you.

3 THE WITNESS: Thank you.

4 MS. HOGLE: I do have -- apologies. Go  
5 ahead, Ms. Schmid.

6 MS. SCHMID: The Division has nothing  
7 further.

8 MS. HOGLE: Okay. I have a request for  
9 either the Division or DEU counsel. I notice that one  
10 of the pages that was filed was a picture of the  
11 signature page of the stipulation and wonder if one of  
12 you can please file the original or a copy thereof.  
13 But instead of a picture, we'd like to have an actual  
14 page of the stipulation that is signed.

15 MS. CLARK: Of course, I'll take care of  
16 that.

17 MS. HOGLE: Okay. Thank you. I don't have  
18 any additional questions and everybody have a good  
19 day. We're adjourned.

20 (Hearing adjourned at 9:30 a.m.)  
21  
22  
23  
24  
25



1 STATE OF UTAH )  
2 )  
3 COUNTY OF SALT LAKE )

4 I, Christina Essi, RPR, a Certified Shorthand  
5 Reporter and Registered Professional Reporter, hereby  
6 certify:

7 That the foregoing proceedings were taken  
8 before me at the time and place therein set forth, at  
9 which time the witness was placed under oath to tell the  
10 truth, the whole truth, and nothing but the truth; that  
11 the proceedings were taken down by me in shorthand and  
12 thereafter my notes were transcribed through  
13 computer-aided transcription; and the foregoing  
14 transcript constitutes a full, true, and accurate record  
15 of such testimony adduced and oral proceedings had, and  
16 of the whole thereof.

17 I further certify that I am not a relative or  
18 employee of any attorney of the parties, nor do I have a  
19 financial interest in the action.

20 I have subscribed my name on this 11th day of  
21 January, 2022.

22 

23 Christina Essi, RPR, CSR  
24  
25

\$	2	8
<b>\$100,000</b> 13:10	<b>20</b> 12:24 13:6	<b>8</b> 5:25 6:9
<b>\$500</b> 16:21	<b>2010</b> 8:19,21,22,25 9:1, 10 11:5	<b>9</b>
-	<b>2019</b> 10:21,25 18:15	<b>9</b> 6:12
<b>-o0o-</b> 4:2 5:3 17:11	<b>2021</b> 4:3 12:3	<b>A</b>
<b>1</b>	<b>2022</b> 11:15,17	<b>ability</b> 7:15,20 15:14
<b>1,400</b> 9:12	<b>21</b> 13:19,20	<b>accelerated</b> 8:11 11:18 12:9 13:1
<b>1,583</b> 11:9	<b>21-057-24</b> 4:9	<b>accounting</b> 13:16
<b>1,744</b> 11:11	<b>22</b> 13:19,23	<b>Act</b> 4:8
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