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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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IN THE MATTER OF THE )  
APPLICATION OF DOMINION )  
ENERGY UTAH TO INCREASE ) Docket No. 22-057-03  
DISTRIBUTION RATES AND )  
CHARGES AND MAKE TARIFF )  
MODIFICATIONS )

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PHASE II HEARING

November 17, 2022 9:02 a.m.

Location: Heber Wells Building  
160 East 2300 South  
Salt Lake City, Utah

Reported by:  
HEIDI HUNTER, RPR, CSR  
Job No.: 5391579

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

2  
3 CHAIRMAN LeVAR: Good morning. We are here  
4 for the Public Service Commission Hearing in Docket  
5 22-573: Application of Dominion Energy Utah to  
6 increase distribution rates and charges and make tariff  
7 modifications. This is the Phase II hearing. The  
8 three commissioners are participating today myself,  
9 Thad LeVar, Commissioner David Clark, and Commissioner  
10 Ron Allen.

11 Why don't we go to appearances next, and then  
12 we will deal with the issue that Mr. Nelson raised  
13 before we begin.

14 So Dominion Energy Utah.

15 MS. NELSON CLARK: Thank you. I'm Jennifer  
16 Nelson Clark, I'm counsel for Dominion Energy. Cameron  
17 Sabin is here as my cocounsel and we have with also the  
18 witnesses who you'll hear from today, Kelly Mendenhall,  
19 Austin Summers and Jessica Ipson.

20 CHAIRMAN LeVAR: Thank you.

21 Ms. Schmid.

22 MS. SCHMID: Good morning. Patricia E.  
23 Schmid with the Utah Attorney General's Office  
24 representing the Division of Public Utilities. The  
25 Division's witness today is Dr. Abdinasir Abdulle.



1 Thank you.

2 CHAIRMAN LeVAR: Thank you.

3 Mr. Moore.

4 MR. MOORE: Robert Moore of the Attorney  
5 General's Office representing the Offices of Consumer  
6 Services. Our witness today will be James Daniels.

7 CHAIRMAN LeVAR: Thank you. And Major  
8 Buchanan.

9 MAJOR BUCHANAN: Good morning. Major Holly  
10 Buchanan representing the Federal Executive Agencies  
11 and our witness will be Brian Collins.

12 CHAIRMAN LeVAR: Thank you. Mr. Russell.

13 MR. RUSSELL: Thank you. Good morning.  
14 Phillip Russell on behalf of the Utah Association of  
15 Energy Users, our witness in this Phase II hearing will  
16 be Kevin Higgins.

17 CHAIRMAN LeVAR: Thank you. Mr. Mecham.

18 MR. MECHAM: Good morning. Steve Mecham  
19 representing the America Natural Gas Council.  
20 Hopefully today we'll hear from Curtis Chisholm. And  
21 in the next two days we'll hear from Mr. Tim Oliver.

22 CHAIRMAN LeVAR: Thank you. Mr. Mecham.

23 Mr. Cook.

24 MR. COOK: Jeremy Cook with Cohne Kinghorn.

25 We also have cocounsel --

1 MR. RUSSELL: I think the microphone is not  
2 picking you up.

3 MR. COOK: I'll get a little closer, I  
4 apologize. Jeremy Cook with Cohn Kinghorn  
5 representing Nucor Steel and we also have Laura Baker  
6 and Damon Zinopoulos on the live feed and our witness  
7 today is Brad Mullins.

8 CHAIRMAN LeVAR: Thank you.

9 Mr. Nelson, go ahead and make your appearance  
10 and address your issue.

11 MR. NELSON: Thor Nelson of the law firm  
12 Holland and Hart, Utah Asphalt Pavement Association.  
13 We do not have a witness in the proceeding.

14 CHAIRMAN LeVAR: Thank you. So we received  
15 your -- the PSC received your motion for -- I can't  
16 remember how it was styled. We received an email  
17 admittedly -- after a phone conversation with one of  
18 our staff, we received an email that I believe the text  
19 of the email said, Withdraw the previous submission.  
20 And then we received your pro hac vice notice.

21 Our rules are lighter than the Utah State Bar  
22 rules. We accept just a certificate of good standing  
23 from another state, so neither a motion nor the pro hac  
24 vice are necessary. We considered it exceeding the  
25 certificate of good standing.

1           So I don't know that under our rules an  
2           action on your motion is necessary. I think we have  
3           what we need. If anyone has anything to add to that,  
4           feel free. But I think that's where we are on it.

5           MR. NELSON: But that works -- I apologize  
6           for the administrative mixup we had in terms of dealing  
7           with the certificates and the Commission and the Bar,  
8           so that's our mistake on our end. If the Commission is  
9           satisfied, I certainly appreciate that and appreciate  
10          you getting that the record.

11          CHAIRMAN LeVAR: Thank you. Any other  
12          matters before we go the first witness?

13          Ms. Clark?

14          MS. NELSON CLARK: The company calls Kelly B.  
15          Mendenhall.

16                                   KELLY MENDENHALL,  
17          called as a witness, being first duly sworn, was  
18          examined and testified as follows:

19                                   EXAMINATION

20          BY MS. NELSON CLARK:

21           Q       Mr. Mendenhall, would you please state your  
22           full name and business address for the record.

23           A       Yes. My name is Kelly B. Mendenhall. My  
24           business address is 333 South State Street, Salt Lake  
25           City, Utah.

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1 Q Are you the same Mr. Mendenhall who submitted  
2 testimony in Phase I of this docket?

3 A I am.

4 Q Did you also submit rebuttal testimony with  
5 accompanying DEU Exhibit 1.08R and surrebuttal  
6 testimony with DEU Exhibit 1.9SR and 1.10SR?

7 A Yes.

8 Q And do you adopt the contents of all those  
9 documents as your testimony today?

10 A I do.

11 MS. NELSON CLARK: The company would move for  
12 the admission of the rebuttal and surrebuttal testimony  
13 of Mr. Mendenhall along with all accompanying exhibits.

14 CHAIRMAN LeVAR: Please indicate if anyone  
15 objects to that motion.

16 I'm not seeing or hearing any objection, so  
17 it's granted.

18 MS. NELSON CLARK: Thank you.

19 BY MS. NELSON CLARK:

20 Q Mr. Mendenhall, can you please summarize your  
21 system in this Phase II.

22 A Sure. So in Phase II I address two main  
23 issues, the first is the conservation enabling tariff,  
24 and I address the proposal by Mr. Daniel that the CET  
25 calculation should be revised to exclude impacts of

1 smaller residential housing units.

2 As part of my rebuttal testimony, I provide  
3 information that the customer mix of our system, while  
4 it's changing, it's not changing substantially enough  
5 to have an impact on the CET calculation.

6 I also discuss the safeguards the Commission  
7 has in place to ensure that the company hasn't received  
8 a large revenue windfall through the CET accrual. So  
9 those are frequent rate case filings as well as caps on  
10 the CET monthly accruals.

11 And then I also point out that if the  
12 Commission is concerned, or if there are parties are  
13 concerned about the changing mix of the customer class  
14 and the GS class, the better solution or the  
15 appropriate solution would be to split that class in  
16 more homogenous groups, rather than to try to solve it  
17 to making adjustments to the CET calculation.

18 The second proposal of Mr. Daniel is to  
19 reevaluate the CET in the next general rate case. And  
20 we believe that there's enough evidence available that  
21 the Commission can make that determination in this  
22 proceeding.

23 And, you know, the main reason we have the  
24 CET is because it removes the financial disincentive to  
25 encourage energy efficiency. And I provided evidence

1 in my testimony showing that the energy efficiency  
2 programs have been both successful and cost effective.  
3 That evidence was unrebutted.

4 And additionally, I provided the monthly CET  
5 entries showing that the mechanism is working just as  
6 it was designed, and that is it's allowing the company  
7 to collect the appropriate amount of revenue, of  
8 allowed revenue.

9 And so sometimes that means that the company  
10 collects additional revenue. Sometimes that means that  
11 the company returns excess revenue. But if you look at  
12 the sum of those entries since the inception the  
13 program, the company has actually returned \$1.5 million  
14 of revenue to customers. So we believe the mechanism  
15 is working correctly.

16 Additionally, in response to Mr. Abdulle, I  
17 provide evidence showing the national and state  
18 policies continue to encourage maximizing energy  
19 efficiency programs and encouraging and promoting  
20 energy efficiency programs. So for those reasons, I  
21 believe that the Commission should approve the CET  
22 going forward on an ongoing basis.

23 The second issue I discuss relates to  
24 Mr. Collins' testimony. And he is proposing to include  
25 depreciation expense related to mains and base rates as

1 an offset to infrastructure tracker investment.

2 And he argues that this will synchronize base  
3 rate main investment with tracker investment. But it  
4 actually does just the opposite. So when we're  
5 calculating revenue requirement on capital investment,  
6 there's five categories that are impacted.

7 First, you have depreciation expense. So for  
8 every dollar that we spend, there's going to be  
9 associated depreciation expense. You also got  
10 associated property taxes. Those two increases in  
11 expense will in turn increase the revenue requirement.  
12 Then you've got three rate base items. You've got the  
13 actual investment that is an increased rate base,  
14 you've got the cumulative depreciation, which was on  
15 offset to depreciation expense, which is reduction to  
16 rate base, then you've got accumulated deferred income  
17 tax, which is also reduction rate base.

18 So those three rate-based items are netted  
19 and then we apply a return to that and that return ends  
20 up being collected through an increase in the revenue  
21 requirement. So, for example, this rate case, we had  
22 \$2.4 million worth of investment in main, and we  
23 calculated those five items for \$2.4 billion of  
24 investment, and that is included in the revenue  
25 requirement and will be included in base rates. And

1 that's assuming the Commission approves it.

2 And then when we make an infrastructure  
3 tracker filing, let's say we make a filing for \$80  
4 million, if you look at our tariff, the same five  
5 components are included in our tariff for the revenue  
6 requirement calculation. And so we would calculate the  
7 associated depreciation, property tax, accumulated  
8 depreciation, accumulated deferred income tax related  
9 to that \$80 million investment. Come up with a revenue  
10 requirement and collect that through the surcharge.

11 So the problem with Mr. Collins' proposal is  
12 he's proposing to take one item, the depreciation  
13 expense from the mains, and use it to offset the  
14 investment in the infrastructure tracker.

15 That's problematic for a couple of reasons.

16 First of all, he's ignoring the other four  
17 components of revenue requirement base rates. He's  
18 just picking one item; and second, the depreciation  
19 expense related to the \$2.4 billion of investment  
20 that's already occurred has nothing to do with the  
21 \$80 million of new infrastructure investment.

22 As a result of this, you've got a mixing of  
23 costs, you've got a revenue calculation on the tracker  
24 that's incorrect. And it basically defeats the purpose  
25 of the tracker mechanism by not allowing the company to



1 collect the correct amount of revenue.

2 So for that reason, we would ask the  
3 Commission to reject that proposal. And that concludes  
4 my summary and I'm happy to answer any questions.

5 Thank you.

6 MS. NELSON CLARK: Mr. Mendenhall is  
7 available for cross-examination and any questions the  
8 Commission may have.

9 CHAIRMAN LeVAR: Thank you. Ms. Schmid?

10 MS. SCHMID: No questions. Thank you.

11 CHAIRMAN LeVAR: Ms. Moore?

12 MR. MOORE: No questions. Thank you.

13 CHAIRMAN LeVAR: Major Buchanan?

14 MAJOR BUCANAN: No questions.

15 CHAIRMAN LeVAR: Mr. Russell.

16 EXAMINATION

17 BY MR. RUSSELL:

18 Q I do have a few questions.

19 Good morning, Mr. Mendenhall.

20 A Good morning.

21 Q I'm going to have you start with your direct  
22 testimony. Do you have access to that?

23 A My direct Phase I testimony?

24 Q Well, it was filed the same time as the  
25 application in this docket.

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1           A     I don't have that with me.

2           Q     Okay. I think I have a copy of it.

3                   MS. NELSON CLARK: May I approach the  
4 witness?

5                   CHAIRMAN LeVAR: Yes.

6 BY MR. RUSSELL:

7           Q     The topic that I want to talk with you about  
8 relates to the allocation of costs associated with the  
9 LNG plant, which I think is appropriately part of this  
10 Phase II. It just happened to be in direct testimony.

11          A     Correct.

12          Q     So I'll have you turn to Page 20 and it's  
13 starting at Line 496. While you're finding that, I'm  
14 going to distribute some cross-examination exhibits.  
15 Hopefully I can get away doing this just once so I'm  
16 going to hand out all of them now.

17                   Have you found the portion of the direct  
18 testimony?

19          A     Yes.

20          Q     Again, it was your direct testimony lines,  
21 starting at Line 497. In here you offer a statement  
22 that the cost of the LNG facility is being allocated to  
23 the sales customer classes, and you indicate -- and  
24 I'll just read it starting at Line 500, you say -- you  
25 kind of give an explanation as to why. And you say,

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1 quote, "As was discussed at length during prior  
2 proceedings regarding the LNG facility, that facility  
3 is being built and will be used for the sole benefit of  
4 sales customers. As a result, none of these costs will  
5 be allocated to transportation customers. As  
6 transportation customers are responsible for their own  
7 supply reliability, they will not have access to this  
8 facility during a supply disruption."

9 When you say that transportation customers  
10 will not have access to this facility during supply  
11 disruption, can you tell me what you mean by that?

12 A Yeah. So if we were in a situation where we  
13 had a supply disruption, we would most likely issue  
14 what's called a hold burn to scheduled quantities.

15 So that would be where we would tell  
16 transportation customers you're only allowed to use the  
17 natural gas that you nominate and bring to the system.  
18 And if you go above that amount, you'll be assessed a  
19 fairly hefty penalty. So that's the mechanism --  
20 mechanism that we have in place to ensure that the  
21 customers would not be using this during a supply  
22 disruption event.

23 Q And if there is a supply disruption that,  
24 say, affects transportation customers but not the sales  
25 customers, or does not affect the supply that the

1 company brings to the system, the LNG plant won't be  
2 used to address that problem either, correct?

3 A Correct.

4 Q Now, you mentioned the hold burn to scheduled  
5 quantity restrictions and penalties. When -- if and  
6 when the company collects those penalties, what does it  
7 do with those revenues?

8 A I believe they go back to the customers in  
9 the 191 account of sales customers.

10 Q Okay. And I read this portion of your direct  
11 testimony, that is you -- and you referenced therein a  
12 prior proceeding regarding the LNG facility. I assume  
13 by that you meant docket?

14 MR. MOORE: I'm going to impose an objection.  
15 I believe that DEU and AEU both have the same position  
16 on transportation customers paying for the LNG plant.  
17 That makes this friendly cross.

18 CHAIRMAN LeVAR: I think probably the best  
19 way to remedy that is to give the Division and Office  
20 an another opportunity at cross after Mr. Russell  
21 finishes. I probably should have gone to him cross for  
22 first.

23 I don't think we have a rule prohibiting  
24 friendly cross, but I generally try to get the order  
25 such that -- such that it would come first.

1           So is there any objection from anyone to  
2 moving forward that way, and I'll come back to both  
3 Ms. Schmid and Mr. Moore after Mr. Russell's cross.

4           (No response.)

5           Thank you.

6 BY MR. RUSSELL:

7           Q     In your -- the direct testimony that we  
8 referred to, you refer back to a prior proceeding. I  
9 assume by that you were referring to the proceeding  
10 before this Commission in which the company sought  
11 approval of the -- preapproval of the LNG facility. I  
12 believe it was Docket Number 19-057-13; is that right?

13          A     Right. There was one in 2018 and one in  
14 2019. And my memory is that we probably discussed the  
15 issue in both of them, yeah.

16          Q     Okay. And I think you made a nearly verbatim  
17 statement in that 2019 docket that you reference here.  
18 I guess my question is: Has the company's position on  
19 this topic changed at all in the last three years?

20          A     No.

21          Q     The LNG plant was designed in size to meet  
22 the supply reliability needs of sales customers, right?

23          A     Correct.

24          Q     It was not sized to meet supply reliability  
25 needs of transportation customers, correct?

1           A     Correct.

2           Q     If the company had sought to construct a  
3 plant that would meet the supply reliability needs of  
4 both sales customers and transportation customers,  
5 would it have been bigger than the plant that it  
6 constructed?

7           A     I assume it would have, yeah.

8           Q     And based on its present design, tell me a  
9 little bit about how long the current design of the LNG  
10 plant can keep gas flowing to sales customers under the  
11 extreme -- under extreme conditions?

12          A     Yeah. So I believe it's a -- it's either  
13 120- or 150,000 dekatherms per day for eight days is  
14 what it's designed for. So on a winter day or a peak  
15 winter day, that would probably be about 10 percent of  
16 the supply. On a summer day that would cover the  
17 entire system.

18                   So depending on when the supply disruption  
19 occurs, the cause of the supply disruption, it would  
20 depend on how much the sales customers' supply could be  
21 covered. But that's the gist of how it's designed.

22          Q     And if on that kind of extreme weather day  
23 you also had to serve transportation customers, the  
24 number of days you can serve customers would be  
25 shorter, would it not?

1           A       Well, the capacity would be still be 150,000,  
2       so the number of days would be the same.  But the  
3       percentage of supply you'd be able to provide would be  
4       much less.

5           Q       Okay.  Understood.  So if the company were to  
6       try to serve transportation customers with this plant,  
7       it would reduce the supply reliability that the plant  
8       makes available to sales customers, would it not?

9           A       Yes.

10          Q       At least one witness in this proceeding,  
11       Mr. Daniel, I believe, has suggested that the company  
12       could deploy the LNG plant to avoid having to call an  
13       interruption at system peak.  How do you respond to  
14       that?

15          A       Well, based on -- I'm not the gas supply  
16       manager.  But I will tell you, based on discussions  
17       with the gas supply manager, that facility, in terms of  
18       our entire portfolio, really would be used as a backup  
19       for a loss of supply reliability for sales customers.

20                   I don't think -- I don't think from an  
21       operational standpoint it's ever been looked at as a  
22       solution to helping transportation customers if  
23       there's, you know, interruptions.

24          Q       Thank you.

25          A       And I would add, I mean, we have an

1 interruptible rate, and those customers -- those  
2 transportation customers pay that interruptible rate  
3 with the understanding that if we call in an  
4 interruption, they are going to interrupt.

5 And so I think we would put that interruption  
6 into place and expect them to interrupt as per the  
7 terms of their interruptible contract.

8 Q Okay. Thank you. There's been a suggestion  
9 by others in this docket that at least some of the  
10 costs of the LNG plant should be allocated to  
11 transportation service customers because since the time  
12 that the company sought approval of the LNG plant,  
13 there's been a migration of customers from the sales  
14 classes to the transportation class. I want to address  
15 that with you briefly.

16 We referenced earlier -- well, actually,  
17 before I get to that, the company proposes in this  
18 docket to collect the costs of the LNG plant through  
19 volumetric sales to the sales customers, right?

20 A Right.

21 Q Okay. So just -- let's focus a little bit  
22 about on the volumes at issue. In the 2019 docket that  
23 we referenced a little bit earlier, you performed a  
24 bill calculation exercise where you tried to determine  
25 on an annual basis the impact to sales customers of the



1 costs of the LNG plant; is that right?

2 A Yeah. The various options I think I tried to  
3 give kind of a typical bill result of that, yeah.

4 Q Right. In fact, there were a number of  
5 options that were being addressed in -- I guess in that  
6 exhibit or that you were calculating, right? There was  
7 an exhibit that was submitted that had, I guess, each  
8 of the responding bids to -- and I'm not going to talk  
9 about the other bids. But each of the responding bids  
10 you had kind of compared the bill impacts of each of  
11 those, right, including the LNG plant, right?

12 A Right.

13 Q And I'd like you to turn to one of the  
14 documents that I handed out at the beginning. It's an  
15 excerpt of your testimony in that docket kind of  
16 describing how you did that bill calculation. It's  
17 probably the last page there.

18 A Page 18.

19 Q Yes. Do you recognize this as an excerpt? I  
20 can give you the whole thing.

21 A Yeah. No, I'll take your word for it. Well,  
22 yeah, it looks -- it looks like an excerpt from my  
23 testimony.

24 Q Okay. I want to focus on this Q and A  
25 starting at line 442. And frankly, the only reason I'm

1 doing this is I want to get to another of the documents  
2 you have there. I want to look at the projection that  
3 you had made for annual sales to the general service  
4 and FS customers who would be served by the LNG plant.

5 But that's part of this calculation. You  
6 say, "The bill impact for each option is summarized in  
7 columns G and H of highly confidential DEU  
8 Exhibit 1.07. I took the total amount for each option  
9 in column F of the DEU highly confidential Exhibit 1.07  
10 and divided it by the projected 2022 sales in  
11 dekatherms. Then I multiplied that per dekatherm  
12 amount by 80 dekatherms to calculate the impact on a  
13 typical GS customer."

14 So the part that I want to get to is this  
15 projected to 2022 sales, which are shown on the exhibit  
16 that's referenced here, but I want to -- it's -- I want  
17 to make sure that we're all on the same page. One of  
18 the documents that I handed you -- and by the way,  
19 let's mark this excerpt as UAE Exhibit -- Cross  
20 Exhibit 1.

21 (UAE CROSS EXHIBIT 1 ADMITTED.)

22 Q What I'd like to mark is UAE Cross Exhibit 2,  
23 there's a document that I'd handed you that's kind of  
24 been a landscape style. And I'll explain what this is  
25 just briefly. It's one of the tabs from that

1 confidential or highly confidential DEU Exhibit 1.07.

2 Now, just to get the highly confidential part  
3 out of the way, there were several tabs in that  
4 exhibit, it was a spreadsheet. Several of those tabs  
5 were marked as highly confidential. One was not and it  
6 was a tab labeled "bill calc" that contains the  
7 information that's in front of you here. I confirmed  
8 with your counsel that this tab does not contain any  
9 confidential or highly confidential information.

10 A Right.

11 Q So we don't need to concern ourselves with  
12 that. What I'd like you to do is just walk me through  
13 what this information is, and then we can kind of get  
14 to the punchline which is the annual -- projection of  
15 annual sales to the sales customers.

16 So you said in the excerpt that we just read  
17 that you had calculated those sales for 2022. It looks  
18 to me like it's starting in June of 2022 and going  
19 through May of 2023; is that right?

20 A Right.

21 Q And you used projected sales on -- in that  
22 annual basis to the GS class, FS, and I guess you also  
23 looked at the IS and NGV classes; is that right?

24 A Right.

25 Q What is the total amount of sales in that

1 time period to the GS class?

2 A I believe it's -- it's a GS class, it's about  
3 113 million dekatherms.

4 Q Right. And to the FS class, it's another  
5 approximately two and a half million, right?

6 A Right.

7 Q Right. So combined, I did a quick little  
8 math. Combined it's about 116.2 million dekatherms.  
9 And I guess what I'd like to get to is a comparison to  
10 the projections that you had made when you sought  
11 approval of the LNG plant, and what you're now seeing  
12 in this docket.

13 And I've included in the packet that I've  
14 handed up, a page from the electronic model, which is  
15 DEU Exhibit 4.20. It's the rate design model, which I  
16 think will show us what you're now projecting in the  
17 test period will be the annual sales to the GS and FS  
18 class. Do you see that?

19 A Yes.

20 Q Okay. And what are the current, in this  
21 docket, projected sales to the GS and FS class?

22 A It looks like it's about 112 million  
23 dekatherms to the GS, and the FS it looks like it's  
24 2.6 million dekatherms.

25 Q And the total there is approximately 114.6

1 million dekatherms. That's fairly close, right, to the  
2 projection from the 2019 approval docket?

3 A Right.

4 Q Okay. And so in your view, that doesn't  
5 represent a significant migration away from the sales  
6 classes that would in your view justify allocating  
7 costs to the LNG plant somewhere else?

8 MR. MOORE: I'm going to impose another  
9 objection. And I apologize. I feel that if  
10 Mr. Russell is allowed to take Mr. Mendenhall as his  
11 own witness, he shouldn't be able to ask leading  
12 questions.

13 CHAIRMAN LeVAR: First, no need to ever  
14 apologize for an objection. Yeah, I think -- your  
15 point is well taken. I'm not as up to speed on my  
16 specific rules of evidence on when leading questions  
17 are allowed in cross-examination but your point seems  
18 intuitive.

19 So I'll ask Mr. Russell to avoid leading  
20 questions and I agree that that last question was.

21 MR. RUSSELL: Sure. I'll rephrase the last  
22 one.

23 BY MR. RUSSELL:

24 Q In your view, does the difference between the  
25 volumetric sales projections that we've looked at in

1 the 2019 approval docket and what we see in this  
2 docket, in your view, does that justify a change in  
3 what the company has thought about the allocation of  
4 costs of the LNG plant that might justify allocating  
5 those costs to some classes other than the sales  
6 customers?

7 A No.

8 Q Okay.

9 MR. RUSSELL: That's all I have for this  
10 witness, thank you.

11 CHAIRMAN LeVAR: Thank you, Mr. Russell.

12 I will go back to Ms. Schmid, do you have any  
13 questions for Mr. Mendenhall?

14 MS. SCHMID: I do now.

15 EXAMINATION

16 BY MS. SCHMID:

17 Q Mr. Mendenhall, is there a situation on DEU's  
18 distribution system where the gas from the LNG facility  
19 may be used to provide sufficient system pressure to  
20 provide gas to transportation customers?

21 A So in actual operation, I could see a  
22 situation where, for example, we issue the hold to  
23 schedule burn. And the transportation customer ignores  
24 it and continues to use gas and our gas control is  
25 trying to manage a system and some of those dekatherms

1 in that LNG facility are used to benefit the  
2 transportation customer.

3 But as I mentioned, that transportation  
4 customer is going to pay a fairly hefty penalty for  
5 using that gas. So I guess from my standpoint, if  
6 parties feel like that penalty is not large enough or  
7 feel like that that penalty is not enough of a behavior  
8 changer, the solution would be to increase the penalty,  
9 not to try to allocate costs of that LNG facility to  
10 the transportation customers, because it was never  
11 designed to serve those transportation customers.

12 Q I may be going beyond my knowledge, but I'm  
13 going to ask this anyway. So what would happen if the  
14 residential and small consumer customers all of a  
15 sudden used a lot more gas than was predicted, say on  
16 an intra-day basis, would the LNG -- might the LNG gas  
17 be put into the system to provide sufficient pressure  
18 and gas to make up that loss or that extra use?

19 A Potentially. But if you look at our tariff  
20 in terms of emergency situations, we have a right to  
21 turn off transportation customers or to at least --  
22 yeah, to shut them off.

23 Now, you know, operationally, is that  
24 realistic? Maybe. If it's one customer that's drawing  
25 the system dry and we have the ability to turn that

1 customer off to save the usage or to save those  
2 residential customers, we may consider doing that. But  
3 yeah, that -- as I mentioned earlier, there could be a  
4 situation where that LNG facility is used. But, once  
5 again, that customer will pay a penalty if it ends up  
6 being used.

7 MS. SCHMID: Thank you. Those are all my  
8 questions.

9 CHAIRMAN LeVAR: Thank you.

10 Mr. Moore, any cross questions?

11 MR. MOORE: No questions. Thank you.

12 CHAIRMAN LeVAR: I'll ask Major Buchanan if  
13 you wanted to add anything at this point?

14 MAJOR BUCHANAN: No questions.

15 CHAIRMAN LeVAR: Okay. Mr. Mecham.

16 EXAMINATION

17 BY MR. MECHAM:

18 Q Just one quick line on the CET tariff,  
19 Mr. Mendenhall. It was established in 2006. Had there  
20 been any public review or reevaluation since then?

21 A So my memory -- and I was here during that  
22 time but it's been a while. And my memory is that  
23 we -- it was originally approved as a pilot program,  
24 and I can't remember if it was a two-year program or  
25 three-year program, but there were a couple of

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1 instances where it was a pilot program and it was  
2 reviewed two or three times.

3 And then at some point the parties determined  
4 that we could drop the pilot because we had enough  
5 evidence, enough time behind us, felt like the  
6 mechanism was working as designed. And so since that  
7 time -- and I want to say that was maybe 2009. Since  
8 that time it's just been a program. It hasn't been  
9 reviewed.

10 Q So a lot of time has passed and there really  
11 is no harm in reevaluating it, is there?

12 A No. I wouldn't say -- I wouldn't say there's  
13 any harm. I would say if the Commission decides that  
14 they want to reevaluate it, I would just -- careful in  
15 the language used in the order. And the reason why I  
16 say that is because the credit agencies look at the CET  
17 as a credit positive.

18 And so what you don't want to do is -- you  
19 know, some of the language used by the Office and  
20 others that the CET is no longer serving its intended  
21 purpose, things like that, if those -- if those are to  
22 be read in a commission order by the rating agencies,  
23 you've got a potential of them saying, Well, this is  
24 now gone from a credit positive to a credit negative.

25 The regulatory compact or constructive

1 regulatory environment in Utah is not as strong as it  
2 used to be. What I would be worried about is, because  
3 of the language, them giving you a downgrade and you  
4 may win the war -- or win the battle on reevaluating  
5 the CET, but you may lose the war because your  
6 customers end up paying a higher cost because they've  
7 got a credit downgrade.

8 MR. MECHAM: Thank you.

9 CHAIRMAN LeVAR: Mr. Cook.

10 MR. COOK: No questions.

11 CHAIRMAN LeVAR: Mr. Nelson?

12 MR. NELSON: No questions. Thank you.

13 CHAIRMAN LeVAR: Ms. Nelson Clark, any  
14 redirect?

15 MS. NELSON CLARK: Just a couple, thank you.

16 EXAMINATION

17 BY MS. NELSON CLARK:

18 Q Mr. Mendenhall, you spent a few minutes  
19 speaking about the CET and I just have a couple  
20 questions about that. The first is: Have you reviewed  
21 any evidence in this case that would suggest that the  
22 CET is either not functioning properly or is not  
23 helpful or beneficial to customers?

24 A No. In fact, I would say all of the evidence  
25 on the record is the exact opposite, that it's been

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1 working as intended and it's been beneficial to the  
2 customers.

3 Q Mr. Mecham pointed out that it's been a few  
4 years since the Commission has done a deep dive on the  
5 CET. Have any of the circumstances justifying the CET  
6 to your knowledge changed in any material way since  
7 that time?

8 A No, they've not.

9 MS. NELSON CLARK: I don't have any further  
10 questions.

11 CHAIRMAN LeVAR: Thank you.

12 Mr. Russell, do you have any recross?

13 MR. RUSSELL: No recross but I failed to  
14 earlier move for the admission of the cross exhibits  
15 that I used, cross exhibit -- UAE Cross Exhibit 1 was  
16 the excerpt from the 2019 docket, and UAE Cross Exhibit  
17 2 the tab from the Exhibit 1.07. I'll move for their  
18 admission.

19 CHAIRMAN LeVAR: If anyone objects to that  
20 motion please indicate your objection.

21 (UAE CROSS EXHIBIT 2 ADMITTED.)

22 MR. RUSSELL: I did reference a third  
23 document but it's in -- it's part of the electronic  
24 model, so I don't need to move for its admission. It's  
25 going to be -- well, it'll be admitted as soon as

1 Mr. Summers has presented.

2 CHAIRMAN LeVAR: Okay. I haven't seen any  
3 objection so the motion is granted.

4 MR. RUSSELL: Thank you.

5 CHAIRMAN LeVAR: Ms. Schmid, any recross?

6 MS. SCHMID: No, thank you.

7 CHAIRMAN LeVAR: Mr. Moore?

8 MR. MOORE: No, thank you.

9 CHAIRMAN LeVAR: Major Buchanan?

10 MAJOR BUCANAN: No.

11 CHAIRMAN LeVAR: Mr. Mecham?

12 MR. MECHAM: No, thank you.

13 CHAIRMAN LeVAR: Mr. Cook?

14 MR. COOK: No, thank you.

15 CHAIRMAN LeVAR: Mr. Nelson?

16 MR. NELSON: No, thank you.

17 CHAIRMAN LeVAR: Commissioner Allen, do you  
18 have any questions?

19 COMMISSIONER ALLEN: I have one question and  
20 it might be outside of your bailiwick because it might  
21 be an engineering answer but how do you physically turn  
22 off the transportation customers? Do you have  
23 telemetry? Do you have someone that takes a big wrench  
24 and drives out to the ranch?

25 THE WITNESS: In most cases it's a wrench or

1 there are some situations where you could remotely turn  
2 off at an MR station. You can just basically drop the  
3 pressure. If it was -- you wouldn't do that if there  
4 residential customers also on that MR station, but if  
5 they were served singly off that, you can probably do  
6 that way as well. But most likely it would be a  
7 wrench, yeah.

8 COMMISSIONER ALLEN: So you do have the  
9 ability to physically turn them off and not just ask  
10 them to be nice and turn off their own gas?

11 THE WITNESS: Correct.

12 COMMISSIONER ALLEN: Okay. Thank you.

13 CHAIRMAN LeVAR: Commissioner Clark?

14 COMMISSIONER CLARK: I have a question.

15 Mr. Mendenhall, in the situation where the  
16 company deems the supplies available to serve sales  
17 customer are adequate and it hasn't issued a hold burn  
18 to scheduled quantities order, but for some reason  
19 transportation customer, one or more customers supplies  
20 are challenged, restricted in some way, is that a  
21 situation where the LNG plant might be used as a  
22 resource to satisfy the needs of the transportation  
23 customers?

24 THE WITNESS: So typically we do not like  
25 being the supplier of last resort for transportation

1 customers but conceivably that may be a situation. I  
2 will tell you when you look at the priority of all of  
3 our facilities, you know, the aquifer storage and Clay  
4 Basin storage, and in even our peak hour services, I  
5 think the LNG facility is kind of the last emergency  
6 tool in the tool box if you will.

7 So in that instance, if it were a day that  
8 wasn't super cold and we weren't seeing big supply  
9 issues, my guess is we would most likely be serving  
10 them using some of those other assets. But if those --  
11 let's say those assets were down or being offline or  
12 whatever, then conceivably the LNG facility could be  
13 used in that situation.

14 COMMISSIONER CLARK: Thank you. That's my  
15 only question.

16 CHAIRMAN LeVAR: I don't have any others.  
17 Thank you for your testimony this morning.

18 THE WITNESS: Thank you.

19 CHAIRMAN LeVAR: Ms. Nelson Clark?

20 MS. NELSON CLARK: Thank you. The company  
21 calls Austin Summers.

22 CHAIRMAN LeVAR: Good morning. Mr. Summers,  
23 do you swear to tell the truth?

24 THE WITNESS: Yes.

25 CHAIRMAN LeVAR: Thank you.

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AUSTIN SUMMERS,

called as a witness, was examined and testified as follows:

EXAMINATION

BY MS. NELSON CLARK:

Q Mr. Summers, will you state your full name and business address for the record.

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

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

A I'm a manager of rates and regulation.

Q Mr. Summers, did you submit testimony marked as DEU Exhibit 4.0, direct testimony, as well as rebuttal testimony marked as DEU Exhibit 4.0R in this matter?

A Yes.

Q And did you also submit accompanying exhibits DEU Exhibit 4.01 all the way through 4.20?

A Yes.

Q Do you adopt the contents of those documents as your testimony today?

A Yes.

MS. NELSON CLARK: The company moves for admission of Mr. Summers' prefilled testimony along

1 with all accompanying exhibits.

2 CHAIRMAN LeVAR: Any objection to that  
3 motion?

4 Not seeing any, the motion is granted.

5 (AUSTIN SUMMERS PREFILED  
6 TESTOMONY ACCOMPANYING EXHIBITS  
7 ADMITTED.)

8 MS. NELSON CLARK: Thank you.

9 BY MS. NELSON CLARK:

10 Q Mr. Summers, can you please summarize the  
11 testimony you've offered in this matter.

12 A Yes. And to start with, I actually wanted to  
13 briefly touch on the task force. The task force was  
14 the result of 2019 general rate case. And in the order  
15 from that rate case, the parties were told to study  
16 possible ways to split the TS class to look at the peak  
17 day versus design day and possible allocation factors  
18 and some other issues.

19 All of the parties in this case attended and  
20 they all had a say on what we studied. The task force  
21 was productive for those who participated and had ideas  
22 they wanted to explore. Splitting the TS class was the  
23 biggest item studied. And during the course of the  
24 task force, three different proposals were explored.

25 The allocation factors proposed by other



1 parties in the last general rate case were not brought  
2 up in the task force but were brought in this case  
3 again. In fact, there wasn't really much conversation  
4 at all about cost of service issues during the task  
5 force.

6 Most of the discussion was on rate design and  
7 splitting the TS class. The company did find the task  
8 force to be useful to the extent that new ideas were  
9 brought up. When the company filed its case, it did  
10 rely on information from the task force. I'm going to  
11 walk through cost of service first and then I'll talk  
12 about rate design as far as what I've proposed in this  
13 case.

14 Cost of service is used for cost allocation  
15 and for determining which classes are covering their  
16 costs. The Commission can choose to use any allocation  
17 factors it thinks would allocate costs best, but I will  
18 point out that some of the allocation factors proposed  
19 by other parties are a significant departure from the  
20 allocation factors that have been used historically.  
21 Some result in large fluctuations in costs from where  
22 they have been historically.

23 There are many ways that cost of service can  
24 be done. And one person's view of what is right or  
25 what is fair won't be the same as someone else. The

1 company does not make more or less money by using one  
2 set of allocation studies compared to another.

3 We used the same cost of service studies as  
4 we have in recent cases. These allocation factors were  
5 also used to calculate the rates that are currently in  
6 effect. I'll walk through some of the more contentious  
7 factors one by one. And the first one that I wanted to  
8 talk about is the design day versus peak day. And this  
9 is something that is used in the blended 230 allocator  
10 that I'll talk about here shortly.

11 But the use of design day or peak day is not  
12 new to this rate case. It was discussed in the  
13 company's last case in 2019. And in its report and  
14 order in that case, the Commission summarized this  
15 issue by saying, quote, "Among other things, parties  
16 testified to the subjective nature of the design day  
17 and throughput waitings for the F230 allocation factor  
18 and the resulting reassignment of costs, the lack of  
19 empirical analysis supporting a specific distribution  
20 of these components, and the likelihood of the  
21 occurrence of a design day.

22 "Parties also dispute the application of and  
23 inputs used for the NARUC gas distribution rate design  
24 manual, average and peak demand method, and the design  
25 basis of DEU's system."

1           And nothing has changed since the last rate  
2 case. The parties are still using the same language in  
3 the NARUC manual to justify their positions and they're  
4 still arguing about the likeliness of a design day ever  
5 occurring. The company uses design day not just for  
6 cost allocation, but also for planning and system  
7 capacity, gas procurement strategy, transportation  
8 contract terms, and other planning activities.

9           Company uses this data to make sure it can  
10 serve its customers on an extraordinarily cold day.  
11 Design day is not just used for system planning, but it  
12 has also been used for cost of service for decades and  
13 has provided reasonable, consistent results.

14           The design day matches the use of the system  
15 on a design day with the costs that were incurred to  
16 build the system for that very cold design day.  
17 Proposals by other parties to use a cold day in a year  
18 and refer to it as a peak day do not appropriately  
19 match the cost of the system with the way the system  
20 would be used on a very cold design day.

21           In addition to proper cost causation,  
22 evidence in this case shows that the design day should  
23 continue to be used because it is more consistent from  
24 year to year and from rate case to rate case. Moving  
25 on to the 60/40 blended allocator, this allocation

1 factor has been consistently used by the company to  
2 allocate costs.

3 In the 2019 general rate case, I did support  
4 the UAE proposal to use a 68/32 weighting based on the  
5 system load factor. While I didn't adopt it in this  
6 case, I still find the logic to be reasonable.

7 In this case, I chose instead to use the  
8 Commission's order in the 2019 general rate case to  
9 determine my position. That order said, quote, "We  
10 find the 60 percent 40 percent weighting is consistent  
11 with past DEU GRC applications and addresses the need  
12 for facilities subject to the F230 factor to fulfill  
13 two functions: One, to meet design day requirements;  
14 and two, to move gas to all customers 365 days per  
15 year. We find this ratio also recognizes the diversity  
16 of use of the system by all customer groups.  
17 Recognizing the inherently subjective nature of this  
18 factor, we find it reasonable to continue the use of  
19 the 60 percent 40 percent ratio," close quote.

20 I agree with the Commission's logic and I  
21 chose to stay at that 60/40 weighting.

22 The third issue in cost of services,  
23 allocating costs to interruptible customers. And there  
24 were four main reasons that I think these customers  
25 should not be allocated costs. First, on an actual

1 design day, these customers will not be using the  
2 system, so they won't be contributing any revenue to  
3 the costs of the system.

4 Two, allocating these costs to interruptible  
5 customers takes away the benefit of them even being  
6 interruptible. They will essentially be paying for the  
7 same costs as a firm customer.

8 Three, as shown in my rebuttal testimony,  
9 most of the interruptible customers have firm contract  
10 provisions too. They are already paying for the firm  
11 supply they intend to use on a design day.

12 And fourth, not allocating costs to  
13 interruptible customers is consistent with rates that  
14 are currently in effect.

15 The fourth cost of service issue is  
16 allocation of large diameter mains. I explained in my  
17 direct testimony that these facilities are generally  
18 sized for more than local delivery requirements, so  
19 they are excluded from the distribution plant factor  
20 study. They are also smaller than feeder lines.

21 The current method identifies customers that  
22 are not connected to the IHP system and then subtracts  
23 the dekatherms delivered to those customers from the  
24 commodity throughput numbers. This allocation method  
25 is consistent with rates that are currently in effect.

1           The fifth issue is the general plant  
2 depreciation expense and this is not a new proposal.  
3 It was brought up in the 2019 general rate case and was  
4 not implemented. It was not implemented then because  
5 the proposal did not consider all general plant-related  
6 accounts. The proposal was not brought up during the  
7 task force and has the same shortcomings in this rate  
8 case.

9           The company's use of gross plant -- the gross  
10 plant allocation factor is still a suitable allocation  
11 factor and is consistent with rates that are currently  
12 in effect.

13           The sixth issue is the distribution  
14 depreciation expense. Mr. Mullins' approach that he  
15 proposed is reasonable. But in my rebuttal testimony,  
16 I argued that the company's current use of the gross  
17 planned allocation factor is still reasonable and has  
18 been used consistently for some time.

19           Finally, the seventh issue was the LNG  
20 depreciation. In the proposal in my rebuttal  
21 testimony, correctly assigned the depreciation of the  
22 LNG facility to the firm's sales customers.  
23 Mr. Higgins proposed in surrebuttal that DEU separately  
24 track its LNG-related plans in the proper FERC accounts  
25 going forward. He also recommended that the

1 LNG-related accumulated depreciation and accumulated it  
2 for income taxes be tracked separately from the  
3 nonLNG-related balances to facilitate the proper  
4 allocation of these rate-based components.

5 Unfortunately, the company's accounting  
6 system cannot keep track of assets in the detail  
7 proposed by Mr. Higgins. In order to accurately assign  
8 LNG costs to the correct customers going forward, the  
9 company will have to use the method I proposed in  
10 rebuttal testimony.

11 To summarize cost of service issues, the  
12 company is proposing to use the same allocation factors  
13 it has used historically. These allocators have  
14 produced rates that are just, reasonable, and in the  
15 public interest. These allocators were used in the  
16 company's 2019 rate case to bring all of the TS class  
17 to full cost rates. It took many general rate cases to  
18 accomplish these full cost rates.

19 The company is open to a gradual approach to  
20 full cost rates in this case, but does not support any  
21 proposal that results in a class of customers not  
22 paying full cost rates.

23 If the end result in this case is that a  
24 certain class of customers is paying less than its full  
25 cost of service, it would be a step in the wrong

1 direction. If the Commission determines that the rates  
2 proposed result in increases that are too high for a  
3 certain group of customers, the company suggests that  
4 the allocation factors be changed resulting in less  
5 cost being allocated to that class.

6 That's everything that I have on cost of  
7 service, but there was one rate design issue and that  
8 is splitting the TS class. In the last general rate  
9 case, the company proposed and Commission approved  
10 rates that would bring all classes of customers to full  
11 cost.

12 In that case, the company also said it would  
13 address intra-class subsidies in its next case and that  
14 is what exactly what we've done. The proposal to split  
15 the class was exactly what had been proposed during the  
16 task force. The parties had ample time to explore  
17 alternate options.

18 The company's proposal is the one that got  
19 the most attention during the task force and the  
20 company has shown there are cost subsidies in the  
21 current TS class. By splitting that class into three  
22 different classes, the intra-class subsidies are  
23 significantly reduced.

24 In summary, the company's proposal for cost  
25 of service is consistent with historical allocations



1 and continued use of these allocators will result in  
2 rates that are just, reasonable, and in the public  
3 interest.

4 Splitting the TS class is a necessary step to  
5 reduce the intra-class subsidies that have been shown  
6 to exist in this case. Therefore, the company  
7 respectfully requests that the Commission approve the  
8 company's proposal as it was filed and adjusted in my  
9 rebuttal testimony. And that concludes my summary.

10 MS. NELSON CLARK: Mr. Summers is available  
11 for cross-examination and for the Commission's  
12 questions.

13 CHAIRMAN LeVAR: Thank you. With respect to  
14 the issue that was raised earlier, considering the  
15 volume of issues today, I am not going to try to  
16 anticipate cross-examination questions, so I'll just  
17 encourage all of you to please feel free if you believe  
18 you should have an opportunity to supplement your  
19 cross-examination if I passed you and similar things  
20 happen, don't hesitate to bring that to my attention  
21 and ask for it. I'm not going to try to anticipate it  
22 just because I won't do a good job of it if I do.

23 So I'll go to Ms. Schmid next. Do you have  
24 any questions for Mr. Summers?

25 MS. SCHMID: I do.

EXAMINATION

BY MS. SCHMID:

Q The Division's witness, Dr. Abdulle, is passing out some cross-examination exhibits. I'll note that we didn't identify that Dr. Abdulle actually has a Ph.D. in economics in his testimony and should be referred to as doctor, so I apologize for my oversight on that.

I'm the one who put the packets together. I probably caused problems.

So while Dr. Abdulle is passing out things, I can start because I don't need those cross-examination exhibits at the very beginning.

So Mr. Summers, how are you today?

A Doing very good. Thank you.

THE WITNESS: Can I get a copy of those, Dr. Abdulle?

MS. NELSON CLARK: Sorry, that was my oversight as well.

BY MS. SCHMID:

Q Isn't whatever peak measure you used designed to establish a relationship between average system use and peak usage?

A The point of the -- of that allocation factor is it is used in combination with an average

1 throughput. So yes, it is -- whether used design day  
2 or peak day, as defined by other parties, those -- that  
3 factor is used in conjunction with that blended  
4 allocation factor.

5 Q So the method, the peak measure chosen,  
6 merely derives a multiplier for a particular system  
7 costs intended to represent the intensity of use for  
8 various customer classes, correct?

9 A I don't think that's correct. I don't think  
10 it's intended to show how the system is used. I think  
11 it's intended to show how the system -- the cost of the  
12 system should be used and those costs are based on how  
13 the system is designed. The use of the system isn't as  
14 relevant in determining how those costs were originally  
15 incurred.

16 Q But you just said that it is the peak or  
17 design day that does show how the system is being used;  
18 is that right?

19 A No. No. The design day shows how the system  
20 would be -- I guess, yeah. It shows how it would be  
21 used on an extremely cold day, which coincides with  
22 what the design day is or how the system was originally  
23 built.

24 Q So under your definition of design day, does  
25 that mean the max capacity that the system could

1 transport?

2 A Yes. It is what the system was designed for  
3 to accommodate extremely cold weather.

4 Q Do we have a definition of extremely cold  
5 weather?

6 A Yes. The definition that we use is when  
7 weather would be at minus 5 in the Salt Lake area for  
8 the average of that day.

9 Q Thank you. So the ratio from the peak and  
10 average method represents some measure of each class's  
11 intensity use of the system?

12 A It does. And I think that the key there,  
13 when you're using that peak and average method, would  
14 be to make sure that you're using -- that you're  
15 matching the cost of the system, what caused the cost  
16 of the system. And design day does a better job of  
17 doing that.

18 If you're using just a cold day in the year,  
19 there's going to be too much fluctuation and it just  
20 isn't representative of how the system will be used on  
21 that design day.

22 Q So I'm going to drill down a little bit more  
23 specifically. So Dominion looks at all the gas flowing  
24 through its distribution system in a year and derives a  
25 daily average and then evaluates each class's gas

1 volumes on the peak day; is that right?

2 A The calculation of design day that the  
3 system -- that the system company is proposing, the way  
4 that that's calculated is it's -- well, this is going  
5 to -- this could get deep.

6 I don't want that to happen, but the way that  
7 that's calculated is that we would look at -- we would  
8 have regression tools that would show how -- how much  
9 gas would be used on that design day when the  
10 temperature is minus 5 -- the average temperature is  
11 minus 5 degrees.

12 And then we would kind of forecast how  
13 much -- based on typical customer usage, based on the  
14 temperature and all of these other factors, we would  
15 forecast how much natural gas would be used on that  
16 design day. From that, we can look at how much of that  
17 cost or how many of those dekatherms, sorry, would be  
18 applied to the transportation customers, because we  
19 have more granular data on them, and we know how much  
20 demand they have signed up for.

21 So we can kind of assign an actual method to  
22 those customers that we have daily information for and  
23 we have that information. And then when we go to the  
24 firm sales classes, the GS and FS, we have to estimate  
25 a little bit how -- how much gas would be used by each

1 of these classes.

2 Was there another part of your question that  
3 was talking about the average throughput during the  
4 year?

5 Q I'm coming to that.

6 A Okay.

7 Q So let's turn to average and throughput  
8 during the year. Are Lake Side volumes included in an  
9 average or in a design day?

10 A The way that we calculate the design day, no.  
11 And the reason for that is because the Lake Side plant  
12 is on a special contract, so the revenue that they  
13 provide already compensates for the costs that they're  
14 incurring on the system.

15 So we don't include them in the volumes  
16 because it would skew the volumes that would go to  
17 different classes. We don't include their revenue in  
18 the rate cases as a revenue requirement item. Those  
19 volumes are -- everything associated with Lake Side is  
20 done separately. So it's all excluded from this  
21 calculation.

22 Q But don't you think it's important that an  
23 allocation factor meant to represent system  
24 characteristics actually reflects those circumstances?

25 A No. Well, here's -- no, and here's the

1 logic, is if -- if I did include volumes from Lake  
2 Side, I would also have to include revenues from Lake  
3 Side, which would completely -- it would completely  
4 ignore the fact that they're a standalone customer,  
5 that they have the special contract. So it's a better  
6 matching to not include them in any way, shape or form.

7 Q We're going to come back to revenues in just  
8 a minute. When you build the system though, you have  
9 to account for all volumes that are going to go through  
10 the pipe and that would include special contract  
11 volumes like Lake Side; is that right?

12 A Yes. And Lake Side is paying for their costs  
13 that we have planned for on that system.

14 Q The peak and average results, including  
15 Lakeside's volumes and the peak and average results  
16 excluding Lake Side volumes, would differ, right?

17 A Yes, they would.

18 Q Okay. Doesn't that tell you that the  
19 intensity of system usage, the relationship that the  
20 peak and average method is intended to identify, is  
21 only completely ascertainable by including Lake Side  
22 volumes?

23 A No. Again, I think it your -- be including  
24 volumes and revenues and things that would completely  
25 skew the cost of service results and it would skew it

1 largely. So I don't think it's appropriate to do that.

2 Q Are you familiar with the way special  
3 contracts are treated in PacifiCorp's cost of service  
4 study?

5 A No.

6 Q If you turn to the packet that Dr. Abdulle  
7 passed out. The first page of that packet is a colored  
8 chart with a heading "Design Peak Day Demand Forecast."  
9 Do you see that?

10 A Yes.

11 Q Do you recognize it as being from DEU's IRP  
12 filing?

13 A Yes.

14 Q Thank you. Is it true that this chart shows  
15 that the actual -- the highest actual daily send-out  
16 for the years 216 through -- sorry, 2016 through 2021  
17 is lower than the firm peak demand at design day  
18 temperature for 2021 through 2031?

19 A Yes, it does show that. And that's exactly  
20 why we're proposing to use the design day temperature.  
21 The costs that were incurred to build the system are  
22 what we're talking about with the -- when you refer to  
23 cost causation.

24 So the costs that are incurred to design the  
25 system are what's happening in that forecast, in that



1 '21 through '31 forecast. So that's actually what  
2 would happen on a design day. And that is a good  
3 matching of what the -- of cost causation principles.

4 These -- if you were to use these  
5 temperatures that were just simply the coldest day in  
6 the year, that doesn't impact the cost of the system.

7 The cost of the system is already determined  
8 and it's based on using that design day. So using  
9 these colder days that aren't -- I mean, they were cold  
10 but they weren't extremely cold, they weren't design  
11 day cold, doesn't appropriately apply the principle of  
12 cost causation.

13 Q Are the Lake Side volumes included in this  
14 chart? You said that they were excluded from other  
15 things. And if you don't know that's okay.

16 A Just looking at it, there's not enough  
17 information on the chart to tell. It does say,  
18 "Forecasted firm transportation." I don't -- I'm not  
19 sure.

20 Q Okay.

21 A I'd have to check.

22 Q We'll move on.

23 MS. SCHMID: Could we mark this for  
24 identification now as DPU Cross Exhibit 1 is?

25 MR. SABIN: Mr. Chairman, I had a question

1 about that. We had a bunch of exhibits we marked in  
2 the Phase I. Do you want us to be marking them and  
3 starting over at 1 for Phase II? Or would you rather  
4 haven't a consecutive numbering through the two phases?  
5 I wanted to avoid confusion if at all possible, but  
6 we're happy to do what you want.

7 CHAIRMAN LeVAR: The transcripts will be  
8 separate, so I don't know that we have a preference.  
9 Usually the exhibits are attached to the transcripts  
10 and they'll be two different documents.

11 MR. SABIN: Okay.

12 BY MS. SCHMID:

13 Q Mr. Summers, if you'd now turn to your  
14 rebuttal testimony. I'm going ask you to read just a  
15 few sentences into the record.

16 A You said rebuttal testimony?

17 Q Yes, please, page 18.

18 If you'd prefer, I can read them and you can  
19 follow along.

20 A I'd be happy to read them.

21 Q Okay, great.

22 A I'm there.

23 Q Would you please read Lines 334 through the  
24 sentence that ends on Line 345 that ends with the word  
25 "day "--

1 A Sure.

2 Q -- into the record. Thank you.

3 A Line 334 starts: "Please summarize the  
4 positions of the intervening parties regarding the  
5 allocation of design day costs to interruptible  
6 customers."

7 Answer: "Mr. Abdulle and Mr. Daniel both  
8 recommend that interruptible customers should be  
9 charged for at least a portion of design day costs.  
10 They reason that because interruptible customers are  
11 rarely interrupted, even on cold days with high  
12 send-out, they should bear a portion of the design day  
13 costs. Mr. Higgins disagrees with this assertion and  
14 is aligned with the company's proposal."

15 Question: "Do you agree with Mr. Abdulle and  
16 Mr. Daniel?"

17 Answer: "No. Interruptible customers should  
18 not pay any design day costs at all. The company has  
19 designed its system to meet the needs of its firm  
20 customers. Its system design, gas supply, and other  
21 planning all presume that interruptible customers will  
22 be interrupted on a design day."

23 Q Thank you. Now, let's look at the number of  
24 hours that the company has actually asked those  
25 interruptible service customers to interrupt. On

1 getting the information from two of the company's data  
2 responses, and they are included in the packet that  
3 Dr. Abdinasir passed out.

4 The first page is the company's response to  
5 DPU Data Request 5.02, which was attached to DPU  
6 Exhibit No. 4.01 to Dr. Abdulle's direct testimony.

7 Can we mark that for identification as DPU  
8 Cross Exhibit 2.

9 And then the second page is the company's  
10 response to OCS Data Request Number 6.17, which was  
11 attached as OCS Exhibit 4.2D to Mr. Daniel's direct  
12 testimony.

13 Can we mark that for identification as DPU  
14 Cross Exhibit 3.

15 So these -- so DPU Cross Exhibit 2 asks how  
16 many times the IS class was interrupted between  
17 January 1st, 2019 and December 31st, 2001.

18 Can you read the answer into the record.

19 A Answer: "The IS class was not interrupted  
20 between January 1, 2019 and December 31, 2021."

21 Q And now turning to DPU Cross Exhibit 3, it  
22 asks: "For each month since October 30, 2013, provide  
23 the date of any interruption to interruptible  
24 customers, the number of customers interrupted, and the  
25 duration of the interruption."

1 Do you agree that the answer says there were  
2 three interruptions each for less than one day?

3 A Yes, that's what they say and none of those  
4 were design days.

5 Q Okay. So do you agree that the interruptible  
6 service customers have been interrupted a total of  
7 three times with each interruption being less than one  
8 day from 2013 through the current date?

9 A Yes. And Mr. Mendenhall actually talked  
10 about one of the tools that the company now has that's  
11 called the hold burn to scheduled quantity. I think  
12 that that has given our gas supply group a lot more  
13 flexibility because they are no longer interrupting.  
14 They can offer this hold burn to scheduled quantity and  
15 they're managing things a lot more that way. The  
16 penalties that have also been implemented have improved  
17 behavior.

18 So a lot of these interruptions just don't  
19 need to happen as much because they're different tools  
20 that are available since this happened.

21 Q I want to drill down a little bit deeper into  
22 what these interruptions actually were and how they  
23 affected the customers.

24 So here we go: Three days if I round up gets  
25 to 72 hours; is that right?

1           A     I didn't bring a calculator, but I trust your  
2 math. Yes, that checks out.

3           Q     Will you accept, subject to check, that there  
4 were 79,608 hours from October 1st, 2013 through  
5 October 31st, 2022? I got that from a website called  
6 calculator.net/daycounter.html.

7                     Will you accept that subject to check?

8           A     Yeah. So is that the total hours?

9           Q     The total hours.

10          A     Okay.

11          Q     All the hours of all of these days.

12                     So, if I divide the number of hours that the  
13 interruptible customers were actually interrupted by  
14 the total number of days, will you accept, subject to  
15 check, that at most, because I rounded up, the  
16 interruptible customers were interrupted only  
17 0.09 percent of all the hours between October 1st, 2013  
18 through October 31st, 2022? And, again, subject to  
19 check.

20          A     Yes, on days that were not design days.

21                     MS. SCHMID: Okay. I would like to move for  
22 the admission for what has been marked as DPU Cross  
23 Exhibit 1, the chart with the design peak day demand  
24 forecast; DPU Cross Exhibit 2, the data -- the  
25 company's data response to DPU Data Request Number

1 5.02; and what has been marked as DPU Cross Exhibit 3,  
2 the company's response to OCS's Data Request Number  
3 6.17.

4 CHAIRMAN LeVAR: If anyone objects to that  
5 motion please indicate the objection. I'm not seeing  
6 or hearing any, so the motion is granted.

7 (DPU CROSS EXHIBITS 1, 2, 3 WERE  
8 ADMITTED.)

9 MS. SCHMID: Thank you. Those are all my  
10 questions at this time.

11 CHAIRMAN LeVAR: Why don't we take a  
12 15-minute break, and then we'll go on with Mr. Moore's  
13 cross-examination. We'll come back at 10:30.

14 (Recess from 10:17 to 10:34)

15 CHAIRMAN LeVAR: Okay. We'll begin and start  
16 with the transcript.

17 Mr. Moore, do you have any questions for  
18 Mr. Summers?

19 MR. MOORE: One or two.

20 EXAMINATION

21 BY MR. MOORE:

22 Q Mr. Summers, can I direct your attention to  
23 your rebuttal testimony, Page 2, Line 26, and have you  
24 read the full sentence starting with the word "however"  
25 and ending with the word "representative"?

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1           A     Yes.  That says, "However, with the exception  
2 of the Utah Division of Public Utilities, which doesn't  
3 represent a particular class of customers, the other  
4 parties that are in this case have chosen a method that  
5 directly benefits the specific customers of the class  
6 they represent."

7           Q     Is it your understanding that the DPU has a  
8 statutory duty to advocate for what it believes is in  
9 the general public interest?

10          A     Yes.

11          Q     Isn't it true that though the DPU advocates  
12 for the general public interest and the OCS advocates  
13 for a specific class of customers, the DPU and the OCS  
14 has some very similar, in fact, practically identical  
15 positions in this docket?

16          A     Yes.

17          Q     Specifically, both the DEU and OCS rejects  
18 the -- DPU and the OCS rejects Dominion's use of design  
19 day allocation factors; isn't that true?

20          A     That's true.

21          Q     And both the DPU and the OCS use a variation  
22 of the peak and average approach in allocating -- in  
23 allocations involving Allocation Factor 230, which  
24 allocates costs in association with feeder lines,  
25 compressor stations, assignment and regulation



1 stations.

2 Isn't that true?

3 A That's true.

4 Q Both the DPU and the OCS use a low factor  
5 derived at from the actual peak demand and the annual  
6 throughput during the split between the peak demand and  
7 the throughput in their versions of the peak and  
8 average approach.

9 Isn't that correct?

10 A That is correct. And then I think I  
11 addressed it plenty with the Division saying why -- why  
12 I don't think that the coldest day in the year is  
13 representative of the costs that were incurred to build  
14 the system.

15 But, yes, what you said was true.

16 Q And both the DPU and the OCS use the actual  
17 peak demand as the peak allocator in the peak and  
18 average approach. Isn't that true?

19 A That's correct.

20 Q And both the DPU and the OCS suggests that  
21 some peak time demand should be assigned to  
22 interruptible customers, correct?

23 A That is correct.

24 Q Both the DPU and the OCS advocates for  
25 evaluation or reevaluation of the CET in the next rate

1 case.

2 Isn't that true?

3 A Yes. They were in agreement on many issues  
4 in this case.

5 Q In fact, the only substantive difference  
6 between DPU and OCS position in this docket is that DPU  
7 proposes to use a three-year average to determine the  
8 actual peak demand, OCS used a peak demand in 2021.

9 Isn't that correct?

10 A There's a lot of stuff that happened in this  
11 rate case. But I believe that the -- but that's --  
12 that's what stands out.

13 Q Therefore, isn't it true that though the OCS  
14 represents a customer class, many of the OCS's  
15 positions are in lockstep with the DPU's approach,  
16 which is based on an evaluation of the general public  
17 interest, and the same cannot be said about the  
18 industrial customers?

19 A No, they're definitely different than the  
20 industrial customers. And when I wrote that, I didn't  
21 mean to imply that one company was cherrypicking simply  
22 because it represented that class. In fact, I think  
23 that's the responsibility of all of the classes here is  
24 to advocate for the customers that they represent.

25 So if they weren't doing that, I don't know

1 that they would be doing a -- necessarily a good job.

2 But I do think that the company's proposal in  
3 all of these circumstances, in all of these studies --  
4 you know, like I mentioned in my summary, it's been  
5 used for a long time and has provided reasonable  
6 results.

7 So I don't see any reason to get off of  
8 the -- what we've used for a long time.

9 Q Moving to another topic.

10 Mr. Summers, isn't it true that a DEU design  
11 day is a completely theoretical estimate of the amount  
12 of throughput that would be used in the system during a  
13 hypothetical extremely cold period --

14 A I wouldn't say it's --

15 Q I'm sorry, I'm not finished.

16 A Oh, okay.

17 Q I apologize.

18 -- an amount of throughput that's never  
19 actually been required?

20 A The -- I think that both the design day and  
21 the peak day have -- they rely on estimates. They're  
22 similar estimates because we don't have certain  
23 information.

24 So when you use the word "theoretical," it  
25 almost makes it sound like we're guessing, but there's

1 a lot of science behind it that would show why that  
2 design day is what would happen on a very cold day.

3 Q Isn't it also true that the calculation of  
4 the amount of gas to be used during design day  
5 conditions is conducted through DEU's RAP process and  
6 considers factors such as the estimate of heating days,  
7 wind speeds, prior day demand, and temperatures, among  
8 other factors?

9 A Yes.

10 Q In viewing DEU's RAP, the PUC only  
11 acknowledges or does not acknowledge the IRP; isn't  
12 that correct?

13 A Yes. The Commission does acknowledge or not  
14 acknowledge the IRP, but all of those factors that  
15 you're talking about, wind speed, day of the week,  
16 holiday or not holiday, all of those factors were heard  
17 in -- I believe it was a 2017 docket where we even went  
18 back and forth on -- and looked at our calculation of  
19 design day in great detail, and some adjustments were  
20 made to that -- to that calculation. And the  
21 Commission did say that that was reasonable using the  
22 assumptions that we're using now.

23 Q You don't have a cite to that offhand?

24 A I do not.

25 Q Getting back to the acknowledgment of the

1     IRP, isn't it true that acknowledgment does not  
2     guarantee the future maintain treatment but only  
3     signifies that IRP substantially complies with the 2019  
4     standards and guidelines and give some comfort that DEU  
5     is making reasonable forward-looking choices?

6           A     Yes.  I think you said 2019 guidelines.  
7     They're actually the --

8           Q     2009?

9           A     -- 2009 guidelines.

10          Q     Thank you for correcting me.

11          A     And, yes, that is correct.

12          Q     Therefore, DEU is asking PUC to use a  
13     calculation design day for the purposes of freight  
14     making, even though the method of calculations have not  
15     been explicitly approved or endorsed by the Commission  
16     in this case.

17                     Isn't that correct?

18          A     The method that we use to calculate the  
19     design day, like I mentioned before, I think that has  
20     been -- it's not -- let me back up, just to answer your  
21     question.

22                     Simply acknowledging an IRP does not  
23     establish a rate-making standard, but the -- I think  
24     there's a lot of history that goes with it.  And like I  
25     mentioned before, there was a docket that specifically

1 discussed our calculation of the design day with all of  
2 those inputs.

3 So it -- not to say that that necessarily is  
4 going to be the way we would have to do it going  
5 forward, but right now there's no evidence that would  
6 suggest that it's an improper way of calculating the  
7 design day.

8 Q Now -- although, you don't remember the name  
9 of the docket, you remember the day?

10 A I remember participating in the docket. And  
11 I remember -- I remember a lot of discussion about wind  
12 speed and that our wind speed that we had been using  
13 was determined to be too high, so we backed off the  
14 wind speed to something more reasonable, and that  
15 dropped our calculation of the design day in that case.

16 And that was when we were determining -- that  
17 docket was for peak -- I believe that was for peak hour  
18 contracts, if I'm not mistaken.

19 Q All right. So it was -- it was a contract  
20 case, not a IRP case or a general rate case?

21 A It was not an IRP or a general rate case.

22 Q And it was specific to the contract at issue?

23 A Yes.

24 MR. MOORE: I have no further questions.

25 CHAIRMAN LeVAR: Thank you, Mr. Moore.

1 Major Buchanan, do you have any question for  
2 Mr. Summers?

3 MS: BUCHANAN: No questions.

4 CHAIRMAN LeVAR: Thank you.

5 Mr. Russell?

6 MR. RUSSELL: I do have some questions, thank  
7 you.

8 EXAMINATION

9 BY MR. RUSSELL:

10 Q Mr. Summers, I want to follow up on a couple  
11 of questions that Ms. Schmid had asked you about  
12 related to the design day factor. And you had  
13 hesitated in response to one of her questions because  
14 you didn't want to get too nerdy about the regression  
15 tools that you use, but I'm going to ask that we do  
16 that just a little.

17 My understanding of your answer there is that  
18 there are certain assumptions that are made when you're  
19 performing a design day factor study. You know, the  
20 design day may not change, but the results of the study  
21 change.

22 Is that accurate?

23 A Yeah, the -- I mean, we're being consistent  
24 from year to year with how we apply the inputs into our  
25 design day calculation. I don't know if that answers

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1 your question, or we can go further into it if you'd  
2 like.

3 Q So let's talk about the inputs. Do the  
4 inputs change?

5 A The inputs -- the inputs that we use have not  
6 changed for several years, as far as -- you know, that  
7 we use -- we rely on wind speed, we rely on day of the  
8 week, those kinds of things.

9 The inputs, the actual numbers that go in,  
10 would change from year to year, depending on, you know,  
11 customer growth, where our -- how much usage per  
12 customer we forecast is going to be happening then.

13 So we do change -- we don't change the  
14 process every year, but we change the inputs based on  
15 new information.

16 Q That's what I wanted to get to. Thank you.

17 And you talked a bit with some others about  
18 how you perform the design day factor and I'm not going  
19 to belabor that point. I do, however, want to spend a  
20 little bit of time on how the actual peak day factor is  
21 performed.

22 Can you maybe just, at a high level, walk us  
23 through the difference between those two?

24 A Between the design day and the actual peak  
25 day?



1 Q Yes.

2 A The actual peak day is going to be based on  
3 the coldest day in a year. And you can kind of see --  
4 I'm looking now at the DPU Cross Exhibit 1, that was a  
5 chart from our IRP. You can see that the peak day, as  
6 it's being defined here, is going to be those green and  
7 yellow. So that -- that green and yellow line is going  
8 to be the peak day in every year.

9 The design day is going to be based on a  
10 certain -- a very cold day within certain parameters.  
11 So that's going to be the big difference, is the design  
12 day is always going to be set for a minus 5 average.  
13 And the peak day, as it's defined here, is going to be  
14 just the coldest day that occurred in a year, whether  
15 it was close to a design day or not.

16 Q Is the actual peak usage day just the coldest  
17 day, or is it the day when you expect there to have  
18 been the most usage on the system?

19 A You're actually -- you're bringing up  
20 something -- that's right. It is actually the day of  
21 highest send-out --

22 Q Okay. And --

23 A -- which usually ties into cold -- the  
24 coldest day.

25 Q Sure. And on those days where you estimate

1 you have the highest send-out, do you have actual  
2 information for gas usage from some customers on that  
3 day?

4 A We have actual usage from any customer who  
5 has telemetry, so that's -- the transportation  
6 customers all have to have a meter with telemetry. So  
7 those customers we do have daily meter read  
8 information. For the bulk of our customers, the GS and  
9 the firm sales customers, we do not have daily  
10 information for them. We just have a monthly meter  
11 read.

12 Q Right. And so in order to determine their  
13 usage on that day of highest send-out, how do you --  
14 how do you make that determination?

15 A For the customers that are -- that we only  
16 have monthly information, we have to -- we have to rely  
17 on mathematical estimates. So we would look at all of  
18 the throughput during that month and compare the degree  
19 days or how cold it was on each individual day of that  
20 month, compare that with the actual heating degree days  
21 and the total send-out on that actual day, and we would  
22 calculate an estimate based on those inputs --

23 Q Okay.

24 A -- for those classes.

25 Q And we've been using the term "send-out." If

1 we don't have -- if we don't have usage data on a daily  
2 basis for some customers on the system, how does  
3 Dominion determine the day of the highest send-out?

4 A So the day of highest send-out is measured  
5 based on how much gas, natural gas, is injected into  
6 our system for that day.

7 So from -- and we can measure that on -- from  
8 pipelines that deliver gas to us, and we have  
9 measurement equipment at every point where gas comes  
10 into our system. So it is the sum of the gas that is  
11 injected into our system at the various points.

12 Q And by using the day that the most gas is  
13 injected into the system, are you just -- you're making  
14 an assumption that that equals the day of highest  
15 send-out?

16 A That's correct.

17 Q And what gives you comfort that the day of  
18 highest send-in to the system equals the day of highest  
19 send-out from the system?

20 A That might be a really good question for our  
21 gas control manager. But since I'm here, I'll tell you  
22 just from my observations of -- they sit around the  
23 corner. And what I've seen from them is they are --  
24 they are very accurate at buying enough gas to supply  
25 that day's needs.

1           So they will -- they will buy just enough gas  
2 to meet needs, keep pressures up in the system, and  
3 that is what they will buy, that's what gets  
4 injected -- not injected -- inserted into our system.  
5 And that is what will be burned by customers that day.

6           Q       And I realize this is probably a question for  
7 your neighbor at your office and not for you, but I'll  
8 ask it anyway: Is it ever the case that Dominion  
9 inserts gas into the system to ensure that there's  
10 enough gas for tomorrow rather than for today's usage?

11          A       No, no. They buy gas on a daily basis. So  
12 they will buy -- gas for tomorrow, they will be buying  
13 today. And that is exactly what will be delivered to  
14 the system.

15          Q       I mean, conceptually, if you have -- if it's  
16 cold overnight, you need gas in the system at 11:59,  
17 just like you need gas in the system at 12:01 a.m.,  
18 right? I mean, so presumably there's some gas being  
19 inserted into the system that is anticipated to be used  
20 not in real-time but in -- some time after it's  
21 injected, right?

22          A       Yeah. I mean, I guess it's not an immediate,  
23 it goes in right here and then it's burned right then.  
24 So, yeah, there's some. But I think that over the  
25 course of a day, over the course of 24 hours, that the

1 gas that they're injecting into the system, that  
2 they're buying for the system for that day, is being  
3 used that day.

4 Q And when you use "day," are you talking  
5 12:01 a.m. to midnight the following night? When  
6 you're talking -- when you did the actual peak day  
7 factor, are you using a 24-hour period?

8 A The actual -- I believe it was actually --  
9 when they're looking at the day of highest send-out, it  
10 is based on a gas day, which does not start midnight to  
11 midnight. I don't remember the exact times, but it's  
12 not a midnight to midnight thing, but it is a 24-hour  
13 period.

14 Q Okay. Fair enough.

15 Let's shift gears a little bit and talk about  
16 your -- you've talked to some others about the use of  
17 the average and peak allocation for Dominion capacity  
18 costs. Several parties in this case advocate for its  
19 usage but advocate that it be used in slightly  
20 different ways. And so I kind of want to talk to you  
21 about the way that the company proposes to use it. And  
22 the company's proposal is to wait 60 percent on the  
23 peak and 40 percent on the average.

24 Is that right?

25 A That is correct.

1 Q And that's the way that it was done in the  
2 last rate case before that?

3 A Yes, that's correct.

4 Q Okay. And the -- there's been some  
5 discussion about the gas manual. The gas manual  
6 that -- the NARUC gas manual suggests that the split  
7 between the average and peak be based on system load  
8 factors; is that right?

9 A That's correct.

10 Q Why doesn't the company simply use system  
11 load factor?

12 A There are -- there are many ways that this  
13 can be done, and that's evidenced by the different ways  
14 that the parties in this case have proposed it.

15 In my years of doing this, we've seen  
16 everything from a 50/50 allocation to a 100 percent  
17 zero allocation. And everybody has data to back that  
18 up, whether it be through some form of logic or some  
19 manual that's AGA or if it's NARUC or Bonbright or  
20 whoever. Everybody has something that backs up  
21 their -- their position.

22 The company has used the 60/40 for many  
23 years, as long as I've been doing this, and I will be  
24 the first to admit that -- you know, I'm an accountant  
25 by training and I would always like there to be a right

1 answer and a wrong answer, and I will admit the 60/40  
2 is a very arbitrary position, but it's been a  
3 consistent position over the years that has been  
4 reliable and reasonable and falls squarely between the  
5 options proposed by other parties.

6 Q The 60/40 allocation that the company  
7 proposes weights the allocation more on throughput than  
8 would using a system load factor?

9 A That is correct.

10 Q And if you were to use something other than  
11 60/40, you mentioned that there's been some others that  
12 are based on something less arbitrary than the 60/40,  
13 what would you choose?

14 A If it was something besides the 60/40, I  
15 think that the logic behind the UAE's proposal using a  
16 system load factor that is derived by using the design  
17 day would be the most reasonable.

18 Q Thank you.

19 Let's talk about the allocation of large  
20 diameter mains for a moment. The large diameter mains  
21 would be the intermediate high pressure main lines that  
22 are greater than 6 inches in diameter, right?

23 A It might be greater than -- I think it's  
24 8 inches and up. So, yeah, everything bigger than six.

25 Q And in -- the company proposes to allocate

1 the costs of those mains on the distribution throughput  
2 factor, right?

3 A That's correct.

4 Q And tell me how the distribution throughput  
5 factor is determined.

6 A Sure. So when we would hear the word  
7 "throughput," that would be just a volumetric measure.  
8 And we do have some things that are allocated using  
9 just throughput. The way that distribution throughput  
10 is different is that we would look at any customer who  
11 is not connected to that IHP system, to that  
12 intermediate high pressure system, and we would exclude  
13 them from that allocation factor.

14 So in this case, it's the large customers  
15 don't get allocated as much of that cost as like a  
16 residential customer would, because it's -- they're  
17 just not connected to that system. They're generally  
18 connected to higher pressure lines.

19 Q But those large customers that are connected  
20 to that system are paying the costs for that system  
21 based on throughput?

22 A Yes. If they are connected to that -- I  
23 mean, there is some costs that is allocated to them.

24 Q And are the large diameter mains, do they  
25 play a role in meeting the design day requirements of



1 the system?

2 A I think every part of the system has to be  
3 sized at some point to meet a design -- you know, a  
4 design part of the -- to accommodate design.

5 Q Okay. In his prefile testimony, Mr. Higgins  
6 indicates that the large diameter IHP mains are  
7 designed to meet the design day needs of the system, as  
8 well as to move gas from the high pressure feeder line  
9 system to the smaller distribution systems.

10 Do you agree with that statement?

11 A I would agree with that. In fact, I think  
12 that sounds like what I wrote in my testimony, but it's  
13 used to distribute gas further out from the large  
14 diameter mains -- or from the -- sorry, from the high  
15 pressure feeder lines.

16 Q And if the -- if those large diameter mains  
17 do contribute to meeting the needs of the system on a  
18 design day, why use a different allocation factor for  
19 these than you do for the costs that we were talking  
20 about earlier that meet the design day?

21 A Yeah. And I think the answer to that is that  
22 they are -- they're not used as much for a design day  
23 as a large diameter -- as a feeder line would be used.  
24 A feeder line is used as kind of the backbone of the  
25 system, and so it's definitely -- we use that design

1 day more heavily on that.

2 The other -- these large diameter mains,  
3 while they have to be designed, sure, to meet the needs  
4 of the system on a design day, they are used more for  
5 delivering gas to those small customers, so they're not  
6 as much of a backbone piece, so I think that that's why  
7 we would treat them differently.

8 Q I want to switch gears to one other topic.  
9 And it was one that was not raised in your testimony  
10 but was raised in Mr. Higgins' direct testimony.

11 Do you have access to that?

12 A I believe I do.

13 Q If I can have you turn to his Phase II direct  
14 testimony at Line 92, Page 4.

15 A Okay.

16 Q Give everybody a moment to get to that.

17 In this portion of Mr. Higgins' testimony, he  
18 raises a point about how the exhibits that were  
19 attached to Dominion's cost of service study reflect  
20 current revenues among the split up TS class customers,  
21 and indicates that there is -- in some of the -- in  
22 some portions of the electronic model, DEU Exhibit 4.20  
23 is reflected one way and another way.

24 Did you have a chance to review this  
25 testimony, and do you have any reaction to it?

1           A     I did. I have reviewed it and I'm trying to  
2 remember -- and you're right, I didn't write to it in  
3 rebuttal. There are -- there are different, I guess,  
4 versions of revenue in the model. And some might be  
5 used to show what revenue would be if we were  
6 collecting using current rates. There are some  
7 comparisons that are made using, you know, proposed  
8 volumes at current rates. And that might be called  
9 current revenue.

10                     There are current revenues that would show  
11 what -- what rates will be, you know, or what revenue  
12 will be collected at the new rates. And then -- so I  
13 don't -- I don't have any discomfort with the math  
14 that's performed in the model. It might be that there  
15 could be a change to the naming conventions that we're  
16 using in the model just to make things more clear.

17                     But I have confidence in the math that's  
18 calculating the rates in that case.

19           Q     Do you agree that it is important to get a  
20 baseline for what the current revenues are? When the  
21 Commission sets new rates and determines what the new  
22 revenue requirements are going to be, to look at the  
23 change in the revenue requirement for each class, do  
24 you agree that the Commission needs to get a good  
25 handle on what the current revenues are so that it

1 understands what the change in the rates is?

2 A Yes.

3 MR. RUSSELL: And I think that's all I have  
4 on that. Thank you.

5 CHAIRMAN LeVAR: Thank you, Mr. Russell.  
6 Mr. Mecham.

7 MR. MECHAM: Thank you.

8 EXAMINATION

9 BY MR. MECHAM:

10 Q Mr. Summers, so Dominion built its system to  
11 meet the requirements of the design day?

12 A That's correct.

13 Q And they do that for purposes of ensuring the  
14 liability?

15 A That's correct. We want all of our  
16 customers, especially on a cold day, to have access to  
17 natural gas.

18 (CLARIFICATION BY THE REPORTER.)

19 (Off-record discussion.)

20 BY MR. MECHAM:

21 Q So the GS and FS customers are significant  
22 beneficiaries of that build?

23 A I mean, all of our customers are  
24 beneficiaries of the build to the extent that they have  
25 firm service through us.

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1 Q To ensure that, even if hell freezes over,  
2 they have insurance -- or they have service?

3 A Yes, hell or Salt Lake or any other.

4 Q Thank you very much.

5 CHAIRMAN LeVAR: Is that all you have,  
6 Mr. Mecham?

7 MR. MECHAM: I said thanks, but I probably  
8 wasn't close enough. Sorry.

9 CHAIRMAN LeVAR: Mr. Cook.

10 MR. COOK: No questions.

11 CHAIRMAN LeVAR: Thank you.

12 Mr. Nelson?

13 MR. NELSON: Yes, thank you. Just a couple  
14 of questions.

15 BY MR. NELSON:

16 Q Good morning.

17 A Good morning.

18 Q Thor Nelson, I represent the Utah Asphalt  
19 Pavement Association in this case. I have a couple of  
20 questions on a topic that you haven't discussed yet,  
21 which is your discussion in your testimony about  
22 gradualism.

23 Do you recall that portion of your testimony  
24 where you talk about that principle, sir?

25 A I do.

1 Q And in particular, if I could look at  
2 Page 22 --

3 A Is this a direct or is that rebuttal?

4 Q Sorry, yes, Exhibit -- DEU Exhibit 4.0R,  
5 which I believe is --

6 A Is rebuttal.

7 Q -- the rebuttal testimony.

8 Let me know when you're --

9 A I'm there.

10 Q Okay. In your rebuttal testimony, you  
11 respond to the gradualism proposals that were offered  
12 by some of the interveners in this proceeding; is that  
13 fair?

14 A Yes.

15 Q And I understood your proposal, having  
16 considered these issues -- and I'll call your attention  
17 to the testimony starting at Line 429, that from  
18 Dominion's perspective, if you take your  
19 recommendations regarding cost allocation and rate  
20 spread, that you believe that it is unnecessary to then  
21 apply a gradualism adjustment.

22 Do I understand your position correctly?

23 A I think my position is that we've done a  
24 three-step approach in the past, and I'm not opposed to  
25 gradualism. I understand that rate shock is an

1 important part of these rate cases, and so we want --  
2 if there's a way that we can ease into it, then that's  
3 great.

4 The point that I was trying to make on  
5 gradualism is that we need to make sure that each class  
6 does get to full cost was my point.

7 Q Okay. Can I please ask you to turn back a  
8 couple of pages to page 7 of that testimony. Let me  
9 know when you're there.

10 A I'm there.

11 Q At the bottom of Page 7 at Line 170, you have  
12 a question that is asking yourself what the difference  
13 is, if you look at some of the different approaches to  
14 cost allocation that are presented by the different  
15 parties in this case.

16 And then if you sort of continue on in your  
17 testimony at Page 8, you have a series of tables that  
18 show the impact of two of the big issues in this case,  
19 the relative weight that is given to peak versus  
20 throughput and how the peak is calculated.

21 Do you see that, sir?

22 A Yes.

23 Q And I just want to make sure I understand  
24 sort of the implications between the decision regarding  
25 these cost allocation issues and your position then

1 regarding gradualism. I take it to mean, as I  
2 understood your testimony, that if you look at -- and  
3 I'll just use as an illustration, on the top of Page 8,  
4 the company's proposal as compared to Dr. Abdulle's  
5 proposal in the first two charts.

6 Do you see that, sir?

7 A That's correct.

8 Q And it just -- for example, one of the things  
9 which is the case, is if you use the company's  
10 methodology, the highest proposed increase is to the  
11 TSL class at 61.98 percent increase.

12 Do I understand that correctly?

13 A That's correct.

14 Q Conversely, if you use Dr. Abdulle's  
15 methodology by example, the highest increase under his  
16 approach is also to the TSL class but the increase  
17 103.71 percent.

18 Is that fair?

19 A That is right.

20 Q And so I take it that -- as I understand your  
21 testimony, that part of the reason why you are not  
22 specifically recommending a gradualism approach,  
23 although as I understand you're open to that, is that  
24 because of the way the company proposes to maintain the  
25 current sort of cost allocation principles, the rate



1 changes that would result from your advocacy are less  
2 dramatic than the rate changes that result from other  
3 parties' advocacy; is that fair?

4 A Yes. And I -- let me just add to that just a  
5 little bit. I don't think that when I put together my  
6 cost of service results, I wasn't trying to say who  
7 should have how big of an increase or anything like  
8 that.

9 Q Sure.

10 A Just kind of putting things together and let  
11 the numbers lie where they are.

12 I do agree, though, that the proposals by the  
13 Division, by Dr. Abdulle in that second table and the  
14 provision -- or the proposal by Mr. Daniel on that  
15 third table do increase those costs to the TSL class.

16 Q Okay. Would it be fair to say, from your  
17 perspective, that -- let me just ask you this question:  
18 Do you see it as a benefit of the company's approach to  
19 cost allocation and revenue allocation that it has more  
20 modest effects on the individual customer classes  
21 coming out of this case than the approaches recommended  
22 by other parties?

23 A Yes. I do think that's reasonable. It could  
24 also be said for the same thing, if you look at the  
25 charts on Page 9, the tables on Page 9, there are

1 proposals for, you know, the 67.5/32.5 that would be  
2 even less, and then a proposal for 100 percent design  
3 day that would even be a reduction.

4 So that's why, in my gradualism comments, I  
5 said, you know, if -- I think it's important to keep  
6 things at full cost, that everything -- when this ends  
7 up, when everything is done, the dust settles, every  
8 class should be at full cost.

9 If it's not a gradualism approach, then I  
10 think there are options for the Commission to choose  
11 that would allocate less cost to certain classes of  
12 customers.

13 MR. NELSON: Thank you very much. I have no  
14 further questions of the witness.

15 CHAIRMAN LeVAR: Thank you, Mr. Nelson.

16 Ms. Nelson Clark, any redirect?

17 MS. NELSON CLARK: I do just a little.

18 EXAMINATION

19 BY MS. NELSON CLARK:

20 Q Mr. Summers, there has been a fair amount of  
21 discussion today about design day versus actual, and I  
22 think you had a discussion with Mr. Mecham indicating  
23 that the reason the company designs its system for a  
24 design day is to ensure that service continues even  
25 when Salt Lake City or other places may freeze over.

1 Do you remember that?

2 A I do.

3 Q And when the company designs its system for a  
4 design day, the costs associated with it are associated  
5 with that design day calculation, correct?

6 A That is correct.

7 Q There were also discussions about the  
8 difference between what has actually been experienced,  
9 the actual day, and I think DPU Exhibit -- Cross  
10 Exhibit 1 shows the actual days being lower than the  
11 design day?

12 A That's correct.

13 Q And you referenced a case, Mr. Summers, where  
14 the company's design day calculation was challenged and  
15 litigated.

16 Would you agree, subject to check, that that  
17 occurred in a passthrough docket?

18 A Yes.

19 Q And would you agree, subject to check, that  
20 the Docket Number is 17-057-20?

21 A Yes.

22 Q Is it also your recollection that there was  
23 testimony offered in that case?

24 A Yes.

25 Q And it was not a stipulation; is that

1 correct?

2 A That's correct.

3 Q And that the Commission issued an order in  
4 that case?

5 A They did.

6 Q And is it your recollection, Mr. Summers,  
7 that the Commission found the company's methodology to  
8 be reasonable --

9 A Yes.

10 Q -- in that case as it related to recovery of  
11 costs?

12 A Yes.

13 Q I'd like to move -- well, let me ask you one  
14 more question about design day.

15 When the company experiences a design day, is  
16 it your understanding that interruptible customers will  
17 be interrupted?

18 A Yes.

19 Q Let's talk for a minute about the Lake Side  
20 contract. If you think back to the beginning of your  
21 time on the stand today, I believe you and Ms. Schmid  
22 had a conversation about that.

23 Do you recall that conversation?

24 A Yes, I do.

25 Q Is it your understanding that the Lake Side

1 volumes and the Lake Side service are the subject of a  
2 special contract?

3 A Yes.

4 Q And does that special contract include cost  
5 recovery for the costs caused by the Lake Side Power  
6 Plant?

7 A Yes.

8 Q And was that agreement or were those series  
9 of agreements approved by this commission?

10 A Yes.

11 Q What would happen if you treated the costs  
12 and the volumes associated with Lake Side as proposed  
13 by the Division?

14 A If the costs were included and the volumes  
15 and everything were included in this -- that's a fun  
16 theoretical question to think about, because I -- it  
17 makes me wonder how good I am at my job. Because I  
18 wonder -- because technically what should happen is if  
19 the cost of that system that Lake Side is using and the  
20 volumes associated with that, and the remedies  
21 associated with that were properly accounted for in  
22 that special contract, then when they would be brought  
23 into this, if they were a standalone, then I would  
24 expect that all of the costs and the revenues and the  
25 volumes would be allocated appropriately to Lake Side.



1 actually recovers its costs?

2 A That was -- it is -- it wouldn't -- yes,  
3 you're right, the data is not presented here to make  
4 that determination. But there was a separate docket  
5 that was -- that was used to review that contract and  
6 make sure that that special contract was in the public  
7 interest.

8 Q And that docket was several years ago, right?

9 A Yes.

10 MS. SCHMID: Those are all my questions.  
11 Thank you.

12 CHAIRMAN LeVAR: Thank you.

13 Could I just get an indication of who intends  
14 to do additional recross?

15 Mr. Moore?

16 Anyone else?

17 Okay. Thank you, Mr. Moore. Go ahead.

18 EXAMINATION

19 BY MR. MOORE:

20 Q Returning back to the 1705720 case, I believe  
21 you testified in redirect that the Commission found  
22 that all the costs in connection with the special  
23 contract in the passthrough docket were reasonable,  
24 didn't you?

25 A Yes.

1 Q But that's not true, isn't it? Didn't the  
2 Commission reject your combination of the temperature  
3 in conjunction with a high wind speed?

4 A The Commission ultimately ordered on what  
5 should be -- what we should use. So this is a long  
6 time ago now for me. But there was -- it was because  
7 we were talking about the peak hour contracts that it  
8 was decided to be heard in a passthrough case, because  
9 those are passthrough contracts.

10 But, ultimately, those contracts were  
11 approved, even though they were somewhat reduced on how  
12 much those contracts -- or on how much volume should be  
13 acquired in those contracts.

14 Q So I'm going to ask the question again. The  
15 Commission didn't determine that all of DPU's analysis  
16 to design day was reasonable, did they?

17 A Not in that -- not that we proposed in that  
18 docket. But the order that they did establish in that  
19 case is what we are using now.

20 MR. MOORE: I have no further questions.

21 CHAIRMAN LeVAR: Thank you, Mr. Moore.

22 Commissioner Clark, do you have any questions  
23 for Mr. Summers?

24 COMMISSIONER CLARK: Yes, I do.

25 EXAMINATION



1 BY COMMISSIONER CLARK:

2 Q I think in your summary, you mentioned that  
3 the -- there are differences in the way the system  
4 would be used on a design day in contrast to a peak  
5 day.

6 Q Could you drill down a couple of layers on  
7 that for me and describe, at least in general terms,  
8 what differences you perceive?

9 A Yeah, I think on a design day, you're going  
10 to be having more use by customers with a lower load  
11 factor. So I'm talking about residential customers and  
12 small businesses, commercial customers who rely on the  
13 system for heat.

14 Q So if it's just a cold day in January but  
15 it's not a design day, you're going to have more of --  
16 more of the system being used on that day by an  
17 industrial customer who has some kind of process --  
18 industrial process that relies on consistent natural  
19 gas use throughout any day. It doesn't really matter  
20 how cold it is because they're just using that for an  
21 industrial process.

22 Q On that design day, you're going to have  
23 more -- more usage by the residential customers, so  
24 they'll just have more of share of the system being  
25 used on that design day.

1           Q       Thanks for that, I understand better now what  
2 you meant.

3                   Using design day as an allocator in a general  
4 rate case context, can you -- are you familiar with the  
5 history of the company's practice in doing that? I  
6 recognize that some recent rate cases have been  
7 settled, and there hasn't been -- this issue hasn't  
8 been litigated, might not have surfaced, even in the  
9 settlement agreement at all, but what I'm interested is  
10 how long -- or over what period of time the company's  
11 used the allocate -- design-day allocator in the  
12 fashion that you're employing it in this case?

13           A       Yeah, the -- so I've been in this department  
14 for the last 13 years. And in that time, I know that  
15 the design day, as we are proposing it now, has been  
16 used in all of that time.

17                   My understanding is that -- maybe it was the  
18 result of a 2002 rate case that the parties, at least  
19 the Division and I believe the Office were there, kind  
20 of sat down and put this all together. And I think  
21 we've been using the same design day since -- it's been  
22 at least since 2007.

23                   Before that, I wasn't involved in this, but  
24 I -- my understanding is somewhere around 2002 through  
25 now is how long we've been using this iteration of this

1 allegation factor.

2 Q Some of the charts that we've looked at in  
3 your rebuttal testimony suggest, to me at least, that  
4 changes in allocators, case to case, could have some  
5 pretty dramatic impacts on customer classes and the  
6 revenue responsibility assigned to those classes.

7 Do you agree with that?

8 A Absolutely. Yes. I think -- and this is a  
9 big one. There are a lot of costs that are allocated  
10 based on this design day in combination with the  
11 throughput.

12 So there's -- it's a significant allocation  
13 factor.

14 Q Thank you.

15 A Sure.

16 CHAIRMAN LeVAR: Mr. Allen.

17 COMMISSIONER ALLEN: Well, I had a couple of  
18 questions and thanks to everyone here they've been  
19 asked and answered, so no questions at this time.

20 Thank you.

21 CHAIRMAN LeVAR: I don't have any others, so  
22 thank you for your testimony this morning.

23 MS. NELSON CLARK: The company now calls  
24 Jessica Ipson.

25 THE WITNESS: Good morning.

1 CHAIRMAN LeVAR: Good morning, Ms. Ipson. Do  
2 you swear to tell the truth?

3 THE WITNESS: Yes.

4 CHAIRMAN LeVAR: Thank you.

5

6 JESSICA IPSON,  
7 called as a witness, was examined and testified as  
8 follows:

9

10 EXAMINATION

11 BY MS. NELSON CLARK:

12 Q Ms. Ipson, would you please state your full  
13 name and business address for the record.

14 A Yes. My full name is Jessica L. Ipson. My  
15 business address is 333 South State Street, Salt Lake  
16 City, Utah.

17 Q What position do you hold with the company?

18 A I'm a regulatory specialist.

19 Q Ms. Ipson, did you file testimony in this  
20 matter marked as DEU Exhibit 5.0 with accompanying  
21 exhibits 5.01 through 5.04?

22 A Yes.

23 Q Do you adopt the contents of those documents  
24 as your testimony today?

25 A Yes.

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1 MS. SCHMID: The company moves for the  
2 admission of Ms. Ipson's direct testimony along with  
3 the accompanying exhibits.

4 CHAIRMAN LeVAR: Please indicate if anyone  
5 objects to that motion?

6 I'm not seeing any objection, so it's  
7 granted.

8 MS. NELSON CLARK: Thank you.

9 BY MS. NELSON CLARK:

10 Q Ms. Ipson, can you please summarize your  
11 testimony in this matter.

12 A Yes.

13 The purpose of my testimony and exhibits were  
14 to clean up and propose modifications to the company's  
15 tariff. I have made a summary of seven applicable  
16 changes being proposed in this docket.

17 Number 1 is moving language detailing  
18 conditions of service applicable to interruptible  
19 service into one location. This adjustment will make  
20 it clear to customers who may be interested in taking  
21 interruptible service the requirements for maintaining  
22 a backup system and the financial consequences.

23 Number 2, adding language for transportation  
24 customers to terminate existing service contracts at  
25 any time throughout the year once they have completed

1 the initial one-year term of their service agreement.  
2 This allows for greater flexibility in terminating  
3 contracts, for example, if a transportation service  
4 customer is selling their business so the new owner of  
5 the business can initiate service in its own name.

6 Number 3, adding an AC power battery  
7 replacement fee of \$1,000 after the first battery  
8 replacement. This significant fee should encourage  
9 transportation customers to fix power issues in a  
10 timely manner when power outages occur.

11 Number 4, eliminating the full connection  
12 fee. With customers rarely requesting the service and  
13 with it becoming increasingly expensive to offer, it  
14 requires technicians to be specifically trained in  
15 brands and types of appliances.

16 HVAC contractors are far better equipped and  
17 trained for appliance work. There are still two  
18 remaining connection fees, read only and limited  
19 connection fee services, which allow the company to be  
20 responsive and ensure account changes to new parties  
21 are done quickly and accurately.

22 Number 5, adding language to delay or  
23 terminate construction on any extension of main or  
24 service line if an applicant's check is not honored by  
25 their bank because of insufficient funds.

1           Number 6, some other proposed changes include  
2 rewording, referencing, punctuation, formatting and  
3 grammatical corrections. These changes do not affect  
4 the substance or the applicability of the tariff.

5           Number 7, some of the other changes within  
6 the tariff include the distribution nongas rates,  
7 administration charge, transportation service split,  
8 which has been sponsored by another witness. To my  
9 knowledge, the changes I mentioned Number 1 through 6,  
10 no party has objected to. And Number 7, Mr. Summers  
11 has addressed in his testimony.

12           The proposals are just, reasonable, and in  
13 the public interest.

14           This concludes my testimony.

15           MS. NELSON CLARK: Ms. Ipson is available for  
16 cross-examination and the commission's questions.

17           CHAIRMAN LeVAR: Thank you.

18           Ms. Schmid, do you have any questions for  
19 Ms. Ipson?

20           MS. SCHMID: No questions, thank you.

21           CHAIRMAN LeVAR: Thank you.

22           Mr. Moore?

23           MR. MOORE: No questions, thank you.

24           CHAIRMAN LeVAR: Thank you.

25           Major Buchanan?

1 MAJOR BUCHANAN: No questions.

2 CHAIRMAN LeVAR: Mr. Russell?

3 MR. RUSSELL: No questions, thank you.

4 MR. MECHAM: I have nothing, thank you.

5 MR. COOK: No questions.

6 MR. NELSON: No questions. Thank you.

7 CHAIRMAN LeVAR: Thank you.

8 Commissioner Allen?

9 COMMISSIONER ALLEN: No questions, thank you.

10 CHAIRMAN LeVAR: Commissioner Clark?

11 COMMISSIONER CLARK: Thanks, I have a  
12 question, just because I think it's only fair.

13 EXAMINATION

14 BY COMMISSIONER CLARK:

15 Q I'm just interested in the process by which  
16 you identify these kinds of changes that come to your  
17 tariffs. How do you learn about them and what -- what  
18 are the sources of the feedback that you receive? Do  
19 they come from customers sometimes? Is it from vendors  
20 or the HVAC repair people? Or how does it happen?

21 A Yeah. So what we do in between general rate  
22 cases, we keep track of different issues possibly  
23 departments are having where there's a concern with  
24 like clarification of different issues within the  
25 tariff or if they're seeing maybe a customer not

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1 responding a certain way.

2           So we'll track those different items. And  
3 then when we get closer to filing a general rate case,  
4 we send out an email to all of the managers basically  
5 within the gas utility and we ask them if there's  
6 anything within the tariff that needs clarification or  
7 if they have any ideas to revamp the tariff. So we  
8 have different meetings and we meet over different  
9 items and then we come up with a list to modify the  
10 tariff at that time.

11           Q     And is there any direct communication with  
12 customers or aspects of your industry, you know, other  
13 firms, do you have any direct input from them in this  
14 process?

15           A     So, for example, one of the items we wanted  
16 to make sure, that when an applicant's check, when they  
17 pay for their main or service line extension, if the  
18 funds do not go through and clear the bank, we can come  
19 in and we can stop the process.

20                 So in that case, we did reach out to the Home  
21 Builders Association and we asked them is this  
22 reasonable, and they did respond to us and say, yes,  
23 this is reasonable. If you're not paying, you should  
24 be able to stop construction on that main or service  
25 line extension.

1 COMMISSIONER CLARK: Thank you.

2 THE WITNESS: Thanks.

3 CHAIRMAN LeVAR: I don't have any additional  
4 questions. Thank you for your testimony this morning.

5 THE WITNESS: Thank you.

6 MS. NELSON CLARK: The company has nothing  
7 further.

8 CHAIRMAN LeVAR: Thank you.

9 Ms. Schmid, we'll go to you next.

10 MS. SCHMID: The Division would like to call  
11 as its witness Dr. Abdinasir Abdulle.

12 CHAIRMAN LeVAR: Okay. Good morning,  
13 Dr. Abdulle.

14 THE WITNESS: Good morning.

15 CHAIRMAN LeVAR: Okay. Do you swear to tell  
16 the truth?

17 THE WITNESS: I do.

18 CHAIRMAN LeVAR: Thank you.

19  
20 ABDINASIR ABDULLE, PH.D.,  
21 called as a witness, being first duly sworn, was  
22 examined and testified as follows:

23

24 EXAMINATION

25

1 BY MS. SCHMID:

2 Q Good morning. Could you please state and  
3 spell your name for the record?

4 A My name is Abdinasir Abdulle. Abdinasir,  
5 A-B-D-I-N-A-S-I-R. Abdulle, A-B-D-U-L-L-E.

6 Q By whom are you employed?

7 A I'm employed with the Division of Public  
8 Utilities.

9 Q Your title?

10 A I'm a technical consultant.

11 Q And your business address?

12 A My business address is 160 East 300 South,  
13 Salt Lake City. This building.

14 Q In conjunction with your employment at the  
15 Division, have you participated on behalf of the  
16 Division in this docket?

17 A Yes, I did.

18 Q Did you prepare or assist in the preparation  
19 and the filing of your direct testimony, your rebuttal  
20 testimony and errata filing correcting a couple of  
21 errors in that testimony, and your surrebuttal  
22 testimony?

23 A Yes, I did.

24 Q Do you have any changes or corrections to  
25 that testimony?

1 A Not after the errata.

2 Q Just so the record is clear, is it true that  
3 you have a Ph.D. in economics?

4 A Yes, I do.

5 Q So we can call you Dr. Abdulle, right?

6 A Yes.

7 Q Thank you.

8 MS. SCHMID: The Division would like to move  
9 for the admission of Dr. Abdulle's direct, rebuttal,  
10 errata and surrebuttal testimony with the related  
11 exhibits?

12 CHAIRMAN LeVAR: Thank you. Please indicate  
13 if anyone objects to the motion.

14 Not seeing any objections, so the motion is  
15 granted.

16 (ABDULLE DIRECT, REBUTTAL,  
17 ERRATA SURREBUTTAL EXHIBITS.)

18 BY MS. SCHMID:

19 Q Do you have a summary to present today?

20 A Yes, I do.

21 Q Please proceed.

22 A Good morning, Commissioners. I have reviewed  
23 Dominion Energy of Utah's application, the Phase II  
24 direct, rebuttal, and surrebuttal testimonies of the  
25 witnesses of all parties, and the responses to the

1 discovery. I also reviewed the presentation material  
2 for Phase II Technical Conference held on June 22,  
3 2022. In what follows I will provide a summary of my  
4 findings and recommendations.

5 In my review and analysis of DEU's class of  
6 cost of service, I have identified several issues that  
7 I deemed required comments: Splitting the  
8 transportation service, TS, class into three  
9 subclasses; using design day versus peak day in the  
10 class cost of service, and the peak demand  
11 responsibility for -- responsibilities for  
12 interruptible customers; hybrid Allocation Factor 230  
13 of 60 percent design day and 40 percent throughput; and  
14 some other issues.

15 DEU proposed to split the TS class into three  
16 subclasses with different levels of annual usage. The  
17 points of separation between the subclasses were chosen  
18 manually using a scatter plot customer load factors  
19 annual usage.

20 The Division concurs with DEU's proposed  
21 splitting of TS class for two reasons. First, DEU's  
22 cost of service study demonstrates the existence of  
23 significant intra-class subsidies with the smaller TS  
24 customers subsidizing the larger customers.

25 Second, the Division performed a T-Test for

1 the difference of the means for the subclasses, which  
2 showed that the average usage for the TSS class is  
3 significantly different from that of the TSM class, and  
4 average usage for the TSM class is significantly  
5 different from that of the TSL class.

6 Similarly, the Division performed a  
7 Kruskal-Wallis One-Way ANOVA by Ranks, which indicated  
8 that at least one median load factor is significantly  
9 different from the others. Therefore, given the  
10 intra-class subsidy and the statistical analysis, there  
11 is support for the three subclasses proposed by the  
12 DEU.

13 Splitting the class into smaller subclasses  
14 allows for more refined allocations and rate design  
15 within the class, which better reflects the cost  
16 causation and mitigates the subsidies.

17 Regarding the choice of using design day  
18 versus actual peak day for cost allocations, the  
19 Division prefers using actual day peak because of  
20 several reasons. Number 1, the actual peak day is  
21 based on the actual known usage of the customers on the  
22 system and is a better reflection of the benefits  
23 derived by the customer -- by those customers.

24 Number 2, design day rarely happens.

25 Number 3, there is no record evidence about

1 the incremental cost of design day system components  
2 versus peak day components.

3 Four, the actual peak day is consistent with  
4 previous Commission orders on cost allocations. For  
5 example, in Docket No. 97-035-04, the Commission held,  
6 among other things, "That the basis of cost  
7 apportionment is cost causation reflecting  
8 characteristics of current rather than historical  
9 usage. This is traditional, meaning given to the cost  
10 causation principle."

11 In the present case, current rather than  
12 design usage is consistent with the principle of cost  
13 causation and should be used as the basis of cost  
14 allocation.

15 Number 5, design day is useful for designing  
16 the system but inadequate for allocating costs which  
17 should be allocated based on usage.

18 Because actual peak day varies considerably,  
19 the Division proposed the use of a three-year average  
20 of actual peak day using the three years -- most recent  
21 years. This smooths the variability from year to year  
22 and promotes stability.

23 When it comes to the hybrid Allocation Factor  
24 230, the Division believes that it should be calculated  
25 based on the average and peak demand method. This

1 method is a weighted blend of a measure of total volume  
2 or usage, such as annual throughput and a measure of  
3 maximum volume on a given day, such an actual -- such  
4 as peak -- actual peak day or design day.

5 The issue here -- there are three issues  
6 here, and they are what measures of the total volume  
7 and maximum volume should be used and what weights  
8 should these measures be given.

9 As I explained earlier, the Division believes  
10 that the most appropriate measure of maximum volume is  
11 the three-year average actual peak day. The Division  
12 also believes that the most appropriate measure of  
13 total volume is what I termed as Utah total dekatherms,  
14 which includes the volumes of Lake Side power plant.  
15 We include Lake Side power plant because the system --  
16 because of the system load factor, which I will explain  
17 later.

18 The system load factor requires the use of  
19 system volume -- values and Lake Side is part of the  
20 system.

21 Regarding the weights to be assigned to  
22 different measures, we first determined the weight  
23 associated with the measure of total volume or usage.  
24 Then the weight of the measure of maximum volume would  
25 be one minus the weight of the measure of the total



1 volume.

2 According to NARUC Gas Distribution Rate  
3 Design Manual, the weight associated with the measure  
4 of total volume or usage is a system load factor, which  
5 is the ratio of the average volume and the maximum  
6 volume.

7 The value of the system of load factor  
8 depends on what measures of annual volume and what  
9 measure of maximum volume are used. The possible  
10 measures for the annual volume are the 2023 throughput  
11 and the Utah total dekatherm and the possible measures  
12 for the maximum volume are the 2023 design day and  
13 three-year average actual peak day.

14 The Division believes that the appropriate  
15 combination of measures to be used in the calculation  
16 of the system load factor are the three-year average  
17 actual peak day and Utah total dekatherms. Using these  
18 measures, the system load factor becomes approximately  
19 58 percent.

20 This makes the hybrid factor 58 percent Utah  
21 total dekatherm and 42 percent three-year average  
22 actual peak day. However, this represents a  
23 significant departure from the current approach that a  
24 shift to it should occur gradually.

25 In addition, it will result in allocations

1 considerably deviating from the way they have been made  
2 in the past. To mitigate this impact, the Division  
3 proposes the use of three-year average actual peak day  
4 and 2023 throughput combination to calculate the system  
5 load factor. This makes the system load factor equal  
6 to 46 percent approximately and the hybrid factor  
7 46 percent throughput and 54 percent three-year average  
8 actual peak day.

9 This better balances the actual use of the  
10 system and its benefits with the measure intended to  
11 properly allocate the costs of items using the  
12 allocation factor.

13 Finally, regarding the rate spread, the  
14 Division concurs with DEU to move class -- each class  
15 except TBF to pay its respective full cost of service.  
16 However, because the Division proposed to the use of  
17 three-year average peak day instead of design day for  
18 the cost of service model and the resulting hybrid  
19 factor of two -- Factor 230, the resulting rate spread  
20 will deviate from the -- from that of DEU.

21 The Division used DEU's filed class cost of  
22 service model without incorporating DPU's proposed  
23 revenue requirement of adjustments. The Commission  
24 will need to apply DPU's modified allocation factor to  
25 DEU's filed model after making any revenue requirement

1 adjustments in order to ascertain the rate spread.

2 Finally, the Division's proposed allocation  
3 factors will impact the TSL class substantially. The  
4 Division proposes to apply the principle of gradualism  
5 to bring the revenues of the TSL class equal to their  
6 cost of service provided that the total costs to the  
7 transportation classes is the same and no other class  
8 is affected.

9 And that concludes my summary.

10 Q Thank you.

11 MS. NELSON CLARK: Dr. Abdulle is available  
12 for class examination questions and questions from the  
13 Commission.

14 CHAIRMAN LeVAR: Thank you. We'll go to  
15 Mr. Moore first. Do you have any questions for  
16 Dr. Abdulle?

17 MR. MOORE: No questions for Dr. Abdulle.

18 CHAIRMAN LeVAR: Okay. Thank you.  
19 We'll go to Dominion next.

20 MS. NELSON CLARK: Thanks, I just have a  
21 couple.

22 EXAMINATION

23 BY MS. NELSON CLARK:

24 Q Good morning.

25 A Good morning.

1 Q I believe you said that -- said this, but I  
2 want to make sure that you would agree that the costs  
3 incurred for designing and building the service -- or  
4 I'm sorry, the company system are based upon a design  
5 day.

6 Would you agree with that?

7 A The cost of --

8 Q Of constructing the company's system?

9 A Yes.

10 Q And would you agree that if the actual  
11 throughput were very low one winter, those costs would  
12 not change; is that correct?

13 A No, they would not change.

14 Q And if it were a very, very cold winter, the  
15 costs still would not change?

16 A They would not change.

17 MS. NELSON CLARK: That's all I have.

18 CHAIRMAN LeVAR: Thank you.

19 Major Buchanan.

20 MS: BUCHANAN: No questions. Thank you.

21 CHAIRMAN LeVAR: Okay. Thank you.

22 Mr. Russell?

23 MR. RUSSELL: I do have some questions.

24 EXAMINATION

25

1 BY MR. RUSSELL:

2 Q Good morning, Dr. Abdulle, turn in your  
3 direct testimony to Line 116, please.

4 In your direct testimony, you kind of -- you  
5 explain why the Division prefers to use the actual peak  
6 day factor rather than a design day factor. And  
7 there's two places on this page where you kind of  
8 layout the reasons for that. And one of them is here  
9 starting at Line 116. And you say, in short, the  
10 design day is an estimated number for the future and  
11 the actual peak day is an actual number from the past.

12 And then I'll have you look down at Line 123,  
13 The next answer: The Division prefers using actual  
14 peak day over design day because the actual peak day is  
15 based on the actual known usage of the customers on the  
16 system and is a better reflection of the benefits  
17 derived by those customers.

18 Explain to me why you say that the actual  
19 peak day is based on actual known usage and is an  
20 actual number from the past?

21 A The actual peak day is based on the usage. I  
22 mean, that's why we say it's actual peak. That's what  
23 has been used. And I don't understand what you're  
24 getting at in that question because that's what it is.  
25 The word explains itself.

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1 Q But the actual peak day factor is also based  
2 on an estimate of usage on a single day, just like the  
3 day design factor is, correct?

4 A To an extent, yes.

5 Q So when you say it's an actual number from  
6 the past, it's, in fact, to a certain extent, an  
7 estimated number from the past, right?

8 A It's mostly actual usage and plus some  
9 estimated portion of it.

10 Q The portion of it that's actual usage is the  
11 portion that comes from those with telemetry meters,  
12 correct?

13 A Yes.

14 Q So the actual peak day is, in fact, a mixture  
15 of actual historical usage and estimated usage, right?

16 A Correct.

17 Q Looking at your testimony on the same page,  
18 starting at Line 125, you say that design day is a  
19 theoretical worst case scenario that rarely, if ever,  
20 happens.

21 I want to pause there, because that was a  
22 point you also made in your summary. While it is a  
23 scenario that rarely, if ever, happens, is it the  
24 Division's position that the company is prudent in  
25 designing its system to address a potential design day?

1           A       I think the company is prudent in designing  
2 that -- based on the design day.

3           Q       And what is your understanding of what would  
4 happen if the company did not design to a design day  
5 and we had a design day?

6           A       There would be a possibility of not serving  
7 some customers in a bad day.

8           Q       And for the most part, those customers who  
9 would not be served are the sales customers, correct?

10          A       Mostly, yes.

11          Q       And those are the ones that rely on gas for  
12 heat, right?

13          A       Yes.

14          Q       Okay. The next sentence here, continuing on,  
15 you say: It is useful for designing the system but  
16 inadequate for allocating costs according to actual  
17 system usage and benefits.

18                   I'm going to focus on the first part of that.

19                   Why do you say it is useful for designing the  
20 system?

21          A       So that we make sure that no customer is out  
22 of gas when it's badly needed.

23          Q       Right. So that those who rely on gas for  
24 heat when it is very cold outside can use the system to  
25 get gas for heat, right?

1 A Correct.

2 Q And, you know, I guess -- I guess I'm curious  
3 why if it's prudent for the company to design a system  
4 that way, you believe it is improper to allocate costs  
5 based on who would use the system as it is designed?

6 A Okay. I'm making a distinction between the  
7 way the system should be designed and the way the costs  
8 should be allocated. The cost allocation is based on  
9 usage in my testimony and in my mind. And that's not  
10 something that is new proposal that we are coming up  
11 with here.

12 The Commission ordered it that way previously  
13 in Docket No., I think, 97-035-04. They, what you  
14 call, ordered it that way. And in my summary, I think  
15 I stated that statement.

16 Q Let's talk about that order that you're  
17 referencing. That's a 1997 PacifiCorp docket, right?

18 A Correct.

19 Q And it was an order adopting an  
20 interjurisdictional cost allocation method, right?

21 A Correct.

22 Q And we solved that problem for all time and  
23 don't have to think about it anymore, right?

24 (Laughter.)

25 But in -- I'm going to try to summarize what



1 I understand to have been the issue there and you can  
2 tell me if I'm wrong.

3 That order addressed a situation where you  
4 were merging the east side and the west side systems,  
5 and there was a proposal by the utility to allocate the  
6 costs of those assets that had been previously built to  
7 serve the east side. And they say well, those -- the  
8 cost that had been built to serve the east side should  
9 only be allocated to the east side customers regardless  
10 of how they will be used going forward; is that right?

11 A Correct.

12 Q And then the Commission in its order said no,  
13 no, no, we're going to allocate the system resources to  
14 those based on how the -- not based on some historical  
15 usage of those resources, but rather on how the  
16 resources are used going forward, right?

17 A Correct.

18 Q I'm going to have you actually turn -- you  
19 have access to that exhibit, that order. And it is DPU  
20 Exhibit 4.01SR; is that right?

21 A Yeah. I have it.

22 Q Great. I'm going to have you turn to  
23 Page 13.

24 A Page 13 of the exhibit --

25 Q Yes.

1 A -- or of my testimony?

2 Q No, of that order, of the exhibit.

3 A I don't -- I have -- the only thing, I just  
4 have the two pages I filed with my testimony.

5 MS. SCHMID: If I may approach, the witness,  
6 I can provide him with a copy of the entire order.

7 THE WITNESS: I would appreciate that.

8 MS. SCHMID: And this is the order that was  
9 attached to your testimony.

10 THE WITNESS: Thank you. Page?

11 MR. RUSSELL: Thirteen.

12 THE WITNESS: I'm there.

13 BY MR. RUSSELL:

14 Q Okay. I want to look at the first two  
15 sentences of that last paragraph, starting "we  
16 conclude."

17 Do you see that?

18 A Uh-huh.

19 Q It says: "We conclude that the basis of cost  
20 apportionment is cost causation reflecting the  
21 characteristics of current rather than historical  
22 usage. This is the traditional meaning given the cost  
23 causation principle."

24 Now, that essentially is the -- kind of  
25 boiling the Commission's order down is what you're

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1 relying on to say that it ought to be based on actual  
2 usage rather than design day; is that right?

3 A Correct.

4 Q But the design day factor isn't -- isn't a  
5 measure of historical usage of the system, correct?

6 A The design day factor --

7 Q Right.

8 A -- is not a historical usage? Is that --

9 Q That's my question, yeah.

10 A No, it's not. And it can be also.

11 Q I'm not sure I understood that. You say it's  
12 not a measure of how the system was used in the past,  
13 correct?

14 A It's a measure of how the system was designed  
15 to start with.

16 Q But it's a measure of how the system will be  
17 used under certain conditions, and those conditions  
18 were what was -- what drove the design, right?

19 A Correct.

20 Q But it is a measure of how the system will be  
21 used going forward, correct?

22 A Correct.

23 Q And I had the conversation with Mr. Summers  
24 earlier about the inputs that might change, and I think  
25 he indicated that the average usage by each customer

1 may change and that would change the input into the --  
2 into that model the number of customers, number of  
3 sales customer will change those inputs.

4 I assume you were here for all of that?

5 A Yes.

6 Q And do you disagree with him that that's how  
7 the model is used?

8 A I don't disagree with the inputs that he  
9 mentioned. I used it in the factor.

10 MS. SCHMID: I'm sorry, could you repeat the  
11 end of that sentence? I couldn't hear it.

12 THE WITNESS: I said I do not disagree with  
13 the inputs that Mr. Summers mentioned. I used it in  
14 the model, in the factor -- in the calculations factor.

15 MS. SCHMID: Thank you.

16 BY MR. RUSSELL:

17 Q So the design day factor is not some static  
18 look at how the system has been used some time in the  
19 past, correct?

20 A Correct.

21 Q And I think I'm done now with the order, and  
22 I want to go back to your surrebuttal testimony, if we  
23 could.

24 I'd like you to go to Line 2 -- excuse me,  
25 106 of your surrebuttal.

1           A     Okay, I'm there.

2           Q     I want to focus on the sentence that starts a  
3 couple of words in there: "In addition, the use of  
4 design day distorts the cost allocation in favor of  
5 high load factor customers at the expense of the low  
6 load factor customers."

7                     And I want to -- I want to ask: Why is it  
8 that you believe -- I've curious about the word  
9 "distorts" there. Why is it you believe there's a  
10 distortion that occurs if we're using the costs that  
11 were incurred to design the system rather than some  
12 other measure?

13          A     If we use the design day, most of the  
14 costs -- more costs would be -- a high proportion of  
15 the costs will be pushed to the low load factor  
16 customers. That's what I intended to say there.

17          Q     So the use of the word "distorts" is just --  
18 just reflects your preference for using the actual peak  
19 day rather than the design day, rather than something  
20 else, right?

21          A     No.

22          Q     Okay. I still don't understand why it's a  
23 distortion of the cost allocation in favor of one  
24 versus the other. That is the result, I agree with  
25 you, that the result of using design day does show that

1 more costs would be -- would be allocated to low load  
2 factor customers, but why does that -- why do you say  
3 that's a distortion?

4 A Because in earlier discussions in my  
5 testimony, I've been discussing the choice between the  
6 design day and the actual peak day. And I concluded  
7 that actual peak day is the proper one to be used -- in  
8 earlier discussion in my testimony, I've been  
9 discussing the choice between the design day and the  
10 actual peak day. And I concluded that the actual peak  
11 day is the proper one.

12 So when you deviate from the one we're  
13 proposing as being the proper one, then you're  
14 distorting the results. That's how we are saying,  
15 like, deviating from the actual peak day and relying on  
16 design day is a distortion of results.

17 Q Thank you for that.

18 Give me just a minute, if would you please.

19 I want to talk about the average and peak --  
20 or peak and average cost allocation method. Both the  
21 Division and my client UAE proposed to use the peak and  
22 average method. We just have different ways of  
23 implementing it, right?

24 A Correct.

25 Q Using the peak and average method ensures

1 that at least some portion of the costs that are  
2 classified as demand and capacity are allocated based  
3 on annual usage, right?

4 A Correct.

5 Q So while those costs are incurred to ensure  
6 continued service at -- at the peak, we're allocating,  
7 based on usage that's not at the peak, right?

8 A Yes.

9 Q So by using the peak and average method,  
10 we're already allocating some costs to interruptible  
11 volumes, for instance, right?

12 A Correct.

13 Q So, I mean, tell me why that doesn't satisfy  
14 your concern about -- about ensuring that we allocate  
15 costs based on how the system is used?

16 A Say that again.

17 Q Yeah, and I'll give a little more context.  
18 Your preference for the use of the actual  
19 peak day, as I understand it, is based on a desire to  
20 have the costs of the system allocated based on how the  
21 system is actually used rather than how it was  
22 designed. And my question is, while we're using this  
23 allocation factor that includes annual throughput in  
24 some form or another, which, as we've said, is a  
25 measure of how the costs of the system are used, so I'm

1 wondering why the use of the average and peak factor  
2 doesn't address your concerns about allocating costs  
3 based on how the system is used?

4 A It does. It does resolve some of my  
5 concerns, but not all of it. It's not enough. I think  
6 that, given the fact that the interruptible customers  
7 are interrupting and using it and benefit from the  
8 system all the time, then they should be paying a  
9 portion of that cost.

10 Q Thank you. Give me just a moment.

11 MR. RUSSELL: I don't think I have any  
12 questions for you, any further questions.

13 CHAIRMAN LeVAR: Thank you.

14 I think we'll go ahead and take a break at  
15 this point, and we'll start with Mr. Mecham when we  
16 come back. Why don't we take until 1:30.

17 (Recess from 12:04 to 1:29.)

18

19 CHAIRMAN LeVAR: Good afternoon, everyone.  
20 We'll go ahead and begin and go back on the record. We  
21 will continue with cross-examination of Dr. Abdulle.

22 Mr. Mecham, I think you're next.

23 MR. MECHAM: Thank you.

24 EXAMINATION

25



1 BY MR. MECHAM:

2 Q Dr. Abdulle, I want to go back to something  
3 you addressed with Mr. Russell. The Commission's order  
4 from 1997, which is poetry to me actually, as you read  
5 it I really enjoyed that, but you talk about cost  
6 causation and you want matters to be current rather  
7 than historical usage. Do you remember that quote?

8 A Yes.

9 Q So in your testimony you ask yourself on Line  
10 112 of your direct --

11 A 112?

12 Q Yes, 112. And it's a simple question. What  
13 is actual peak day?

14 A Actual peak day is the -- is the coincident  
15 peak.

16 Q Well, you answer it and the actual day, the  
17 actual peak day is in --

18 CHAIRMAN LeVAR: I'm sorry, the court  
19 reporter didn't get the word coincident, I think is the  
20 word.

21 BY MR. MECHAM:

22 Q But you say in the answer the actual peak day  
23 is an historical number that shows how much gas was  
24 used on the system during the highest send-out day of  
25 the year. You continue below that on Line 116, you

1 compare the design day to peak day, and you say the  
2 design day is an estimated number for the future and  
3 the actual peak day is an action number from the past.

4 A Correct, I said that.

5 Q Thank you. So in the context of the  
6 Commission's 1997 case order, isn't it more accurate to  
7 say that the actual peak day is historical and that  
8 design day is more like the current because it's  
9 quantifiable before us today?

10 A What I'm referring to is historical rather  
11 than actual. The way it was done in the -- what is  
12 that, the '97 case. The Commission was -- the way I  
13 understood the Commission order is they were saying  
14 like the -- before the two systems were combined, the  
15 costs over there were for those guys, and those guys  
16 were out there further east, and they were saying we've  
17 got to have it.

18 So the thing is the Commission was saying  
19 like forget about that. We cannot do it the way the  
20 system is using in this combined fashion of the two  
21 systems.

22 Q But in this case you've taken historical  
23 usage, you've taken three recent historical years and  
24 you've taken that actual peak day and that's what  
25 you're proposing to use in your allocator as opposed to

1 the design day, correct?

2 A Correct.

3 Q So it almost takes you back to the years or  
4 the rate cases where the Commission used historical  
5 test periods as opposed to this one where we're looking  
6 forward in the last day of the test periods,  
7 December 31st, 2023, correct?

8 A Correct in a sense.

9 Q In a sense. But you're still -- you're using  
10 historical usage for future -- you're applying it in a  
11 future way or in the future in a way that we used to do  
12 historical test periods which really nobody does  
13 anymore. My point is, is that isn't it more accurate  
14 to take the design day that's quantifiable before us  
15 now and it's the reason or it's the way that the  
16 company organized and built its system rather than  
17 looking back and guessing?

18 I know you try to average it out, but you're  
19 still going back and looking and trying to impose it on  
20 a future test time.

21 A Okay. Let me explain what I intend to do  
22 here. The test year at '12 peak is what should be  
23 used. However -- and that's historical, but that's  
24 what the test year, where everything, all the data is  
25 based on. So what the reason we're using that

1 historical three years is we are recognizing the fact  
2 that the actual peak day, which is the test year peak  
3 day, is fluctuating considerably and we're trying to  
4 smooth out those. That's why we're using the average  
5 and using the three years.

6 Q But the actual peak day doesn't come from the  
7 test period, it comes from an historical time.

8 A Depends on which actual peak day you use.  
9 For instance, the Office here is using the -- the test  
10 year actual peak day, so it depends on how you define  
11 it.

12 Q But it seems to me that you're using an  
13 historical year in the future as opposed to using  
14 current data from the design day to actually determine  
15 how costs should be allocated?

16 A What I'm -- the reason I'm using the three  
17 years, which are historical numbers, is as I explained  
18 just to remove the fluctuation --

19 (CLARIFICATION BY THE REPORTER.)

20 A To remove the variability in the actual peak  
21 day. And that if the -- that was using is not  
22 appropriate, the three-year average is not appropriate,  
23 we -- it's done by the actual peak day using the last  
24 year.

25 Q I guess my concern with the actual peak day

1 is you're using it from a prior historical period when  
2 you have design day information before you that is  
3 current and more in line with the Commission's '97  
4 order and more in line with what I view as what you're  
5 attempting to do.

6 A The reason -- there are several reasons. I  
7 outline about five reasons of why we're using the  
8 design day. But the thing is, when we are locating  
9 these things, there are several ways. Causation is one  
10 of those ways we can look at which one to use. And we  
11 define it based on the '97, the proper cost causation  
12 is the usage and things like that.

13 Another thing is that another principle that  
14 could be used is the benefit is provided like they're  
15 doing it in the FERC transmission fixed and location  
16 costs, which are based on benefits. And in this case,  
17 benefits would be similar to the usage that we are  
18 using.

19 Q I understand more or less what you've done.  
20 What I guess I'm suggesting is the way you've done it  
21 is a weaker position than using known design day  
22 information to do the allocation. But I don't think  
23 you and I are going to agree on that in the next few  
24 minutes. So thank you. I think that's all I have.

25 THE WITNESS: Thank you.

1 CHAIRMAN LeVAR: Thank you, Mr. Mecham.

2 MR. COOK: No questions.

3 CHAIRMAN LeVAR: Mr. Nelson.

4 MR. NELSON: Thank you. Just a couple.

5 EXAMINATION

6 BY MR. NELSON:

7 Q Good afternoon, Dr. Abdulle.

8 A Good afternoon.

9 Q My name is Thor Nelson, we haven't met before  
10 I don't think. I am representing the Utah Asphalt  
11 Pavement Association in this proceeding. As I look at  
12 your testimony and we've had a number of counsel  
13 discuss these issues, I want to focus first on just  
14 some simple questions about the two major areas of  
15 conversation, the use of the design day versus the  
16 actual day, and then the issue of how to weight sort of  
17 the throughput versus the peak loads. We're just going  
18 to cover those two areas quickly.

19 Relative to the design day, actual day issue,  
20 the only question I had was relating to a topic that  
21 was discussed by Mr. Summers earlier today. Am I  
22 correct that you were in the hearing room when  
23 Mr. Summers testified?

24 A Yes.

25 Q Okay. Do you recall that he was asked a

1 question about the -- what was happening in -- and this  
2 was in regards to, if you want to refer to it, the  
3 Cross Exhibit DPU-1, which was the chart.

4 And Mr. Summers was asked a question about  
5 the differences between the customers who were using  
6 the system when the weather is relatively warmer as  
7 compared to when the weather is colder and you might  
8 approach the design day usage. And his testimony, as I  
9 was taking notes of that, said that when you were  
10 getting colder, those last sort of increments of usage  
11 would most likely be what he referred to as the low  
12 load factor customers, and he specifically called out  
13 the residential customers, for example, because the  
14 high load factor customers on average will tend to be  
15 using their gas at a pretty consistent level year round  
16 regardless of the temperature.

17 Do you recall that testimony, sir?

18 A Yes, I do.

19 Q Okay. And my question to you is, is there  
20 anything about Mr. Summers' testimony on that point  
21 that you disagreed with?

22 A The fact that the last portion, the final  
23 peak or portion, the residential is on people like that  
24 are using more, I don't disagree that.

25 Q Okay. Thank you. Can I please ask you now

1 to take a look at your direct testimony. And in  
2 particular I'll call your attention to Page 9 of that  
3 testimony. That's Exhibit DPU 4.0. Let me know when  
4 you're at Page 9.

5 A I am there.

6 Q Okay. In this portion of your testimony, as  
7 I understand it, you're discussing the relative  
8 weighting of throughput versus peak. Do you recall  
9 that, sir?

10 A What portion are you?

11 Q Oh, I'm sorry. Let me perhaps be more  
12 precise. So there's a specific question that starts at  
13 the bottom of Page 8 just for context, where you are  
14 commenting on the utility's proposed hybrid allocation  
15 factor. Do you see that, sir?

16 A Uh-huh.

17 Q Okay. And the allocation factor we're  
18 talking about here is the weighting of throughput  
19 versus peak, the 60/40 or other proposals. Do you  
20 recall that?

21 A Uh-huh.

22 Q Okay. And what I wanted to focus on is a  
23 portion of your answer to that question, which was on  
24 Page 9, starting at Line 183, you -- you state, "The  
25 60 percent, slash, 40 percent weighting employed by DEU



1 has resulted in reasonable rates in the past and may  
2 still do so."

3 Do you see that, sir?

4 A Yes, I do.

5 Q And is that testimony still valid today?

6 A Yes, it's still valid today, but it's not --  
7 that's not the best thing. That's not what I'm  
8 recommending.

9 Q Sure. But it's -- would it be fair to say  
10 that just sort of reading in here a close second  
11 perhaps?

12 A Uh-huh.

13 Q Okay. Could we please now take a look at  
14 your direct testimony at Page 12.

15 A When you said "close second," what does that  
16 mean?

17 Q Oh, sorry. That's a colloquialism. It's --

18 A You mean --

19 Q -- a close second choice. It's not your  
20 preferred but it's a close second choice that may still  
21 be reasonable.

22 A No.

23 Q No. Okay. Well, then maybe I need back up a  
24 second. So when you say that the 60/40 methodology has  
25 resulted in reasonable rates in the past and may still

1 do so, what do you mean by that?

2 A This has been going on -- the 60/40 weighting  
3 was going on for a long time, and the system was  
4 functioning properly so we don't think it is absolute  
5 disaster to go along with it. So that's what I mean.  
6 It's reasonable, but it's not the most reasonable one  
7 as we should be going for.

8 Q Okay. Appreciate that. Let's take a look at  
9 Page 12 and if I could call your -- well, and let me  
10 know when you're there, sir.

11 A I am there.

12 Q All right. As I understood your testimony in  
13 Page 12, and this is actually a continuation from the  
14 page before and after, but you present a series of  
15 alternative allocation methodologies and approaches,  
16 and ultimately the one that you recommend to the  
17 Commission is presented on Page 12 at Table 7, which  
18 you labeled as Option B.

19 Do I understand your position correctly?

20 A Correct.

21 Q Okay. And if you go -- there it is. Sorry.  
22 You go to Line 247 on Page 13.

23 Are you there, sir?

24 A Yes.

25 Q All right. This is where you state that --

1 excuse me, Method B is your preferred option. And then  
2 at Line 247 do you see your testimony, "It does this  
3 without a significant shock to the allocations as they  
4 have been made in the past."

5 Do you see that, sir?

6 A Yes.

7 Q Okay. I want to understand what you mean by  
8 that. Do I understand your testimony to mean that  
9 adopting your methodology does not create, in your  
10 mind, I'll use you the word "rate shock," to any one  
11 particular class. Is that the shock that you are  
12 referring to in that sentence?

13 A No, it's a comparative term here I'm using.  
14 Options B and Option D were the options that I was  
15 considering. Option D is the one I prefer, but that is  
16 giving a big shock compared to this one. So to  
17 minimize or to alleviate that shock, I'm using this  
18 one.

19 Q Okay. And so a couple of things. By shock  
20 do you mean what was oftentimes referred to as rate  
21 shock, or is there a different shock that you're  
22 referring to?

23 A A substantial increase in the presentation,  
24 i.e., the value change will be too much. That's what  
25 I'm telling you.

1 Q And too much why? Because the rate change is  
2 too much or some other reason?

3 A The rate will change too much when the  
4 revenue, you have to collect it, goes high.

5 Q Okay. And is that what is sometimes referred  
6 to in these proceedings in your experience as rate  
7 shock, or do you see rate shock as something different  
8 from what the term is you're just describing?

9 A You can call it that way, but I don't know  
10 where the line -- to a draw line between shock and not  
11 shock.

12 Q Okay.

13 A Because there is a substantial change.

14 Q Okay. So do you have in front of you by  
15 chance the rebuttal testimony of Mr. Summers for  
16 Dominion?

17 A Yes, I do.

18 Q For the record, that's DEU Exhibit 4.0R.

19 A Yes, I have it in front of me.

20 Q Okay. Could I please -- sorry, I lost my  
21 page number. Give me just a moment please, make sure I  
22 direct you to the right spot.

23 Okay. Could I please ask you to look at  
24 page 7 of that testimony.

25 A I'm there.

1 Q You're there?

2 A Uh-huh.

3 Q And then do you see at Line 170 Mr. Summers  
4 asks how much difference does it make in the overall  
5 cost of service results when the weighting options from  
6 the other parties are used.

7 Do you see that, sir?

8 A Yes, I do.

9 Q And then on the next page on Page 8 there is  
10 a table at the top labeled DEU 60 Percent Design Date  
11 40 Percent Throughput.

12 Do you see that, sir?

13 A Yes, I do.

14 Q Okay. And would you agree with me that that  
15 table represents the utility's proposed cost allocation  
16 and revenue spread?

17 A The first table, yes.

18 Q Yes. And then the second table is labeled,  
19 DPU Abdulle, 54 percent average peak day, 46 percent  
20 throughput.

21 Do you see that, sir?

22 A Yes, I do.

23 Q And does that table correctly capture the  
24 Option B that the Division is recommending in this  
25 proceeding?

1           A     I have to compare it to mine to say  
2 correctly, but I would take it as -- as it is.

3           Q     Okay. So subject to check, could we --

4           A     Yes.

5           Q     -- agree that that's what your recommendation  
6 is?

7           A     Yes.

8           Q     Okay. And so I just want to just understand  
9 the impacts to customer classes as reflected here. So  
10 for example, if you look at the IS class.

11          A     Uh-huh.

12          Q     The utility's proposed revenue allocation and  
13 cost allocation method would yield a 8.06 percent  
14 reduction for that class.

15                   Do you see that, sir?

16          A     Yes.

17          Q     Your recommendation would yield a  
18 48.52 percent increase for that class?

19          A     Correct.

20          Q     Is that correct?

21          A     Correct.

22          Q     So if you sort of take the absolute value, if  
23 you would, of those two figures, that's a spread of  
24 some 56 percent difference in the rate change, correct?

25          A     Correct.

1 Q And would you consider a 56 percent change,  
2 does that meet your definition of the word "shock" as  
3 you used it in your testimony?

4 A Yeah, that's a substantial change.

5 Q Okay. And then similarly, if you look at TSL  
6 as another example, the company's proposal would result  
7 in a 61.98 percent increase.

8 Do you see that?

9 A Yes.

10 Q And the Division's recommendation would be  
11 103.71 percent, correct?

12 A Correct.

13 Q Would you agree with me that that 42 percent  
14 difference is also substantial?

15 A Correct.

16 Q Okay. The last thing I want to discuss with  
17 you then is some testimony that you had. Can you  
18 please pull up your rebuttal testimony in this  
19 proceeding, which you can go back to that.

20 A What page?

21 Q If you have that in front of you, I'm going  
22 to ask you some questions about Line 198, which you can  
23 find on Page 9 of that testimony.

24 A I'm there.

25 Q Okay. In this portion of your rebuttal

1 testimony you have a discussion about the concept of  
2 gradualism. Do you see that, sir?

3 A Yes, I do.

4 Q Okay. And I take it from your testimony  
5 here, and I'll call your attention in particular to  
6 Line 203, you state, "The Division would not oppose a  
7 phased-in approach provided the total cost to the  
8 transportation classes is the same."

9 Do you see that, sir?

10 A Yes.

11 Q In this portion of your testimony where you  
12 discussed a phased-in approach, are you referring to  
13 something like the three-year phased-in approach that  
14 had been done previously for this utility by the  
15 Commission? Is that the phase-in you're talking about?

16 A I did not specifically identify how soon to  
17 get -- for cost of service. What I intend here is to  
18 get to the full cost of service. So my testimony is  
19 not specifically identifying but I have an idea about  
20 what it should be, how soon we should get there.

21 Q And what is that idea, sir? What would be  
22 the Division's recommendation for the period of time  
23 over which you would recommend a phase in of the cost  
24 allocation and revenue allocation implications?

25 A I would say that we should move to a cost of



1 service 30 percent in this case, and then move the rest  
2 70 percent by the next rate case or the rate case after  
3 that. So probably six years or three years, either  
4 way.

5 Q Okay. So do I take it by that the Division  
6 would oppose this sort of automatic movement over a  
7 three-year period to get from the starting -- to get  
8 from here to the end point and would instead recommend,  
9 if I understood you correctly, a partial movement in  
10 this case, and then no movement until an unknown future  
11 rate case is filed and decided?

12 A No, that's not what I said. But we don't  
13 oppose that we get to the full cost of service by next  
14 rate case filing. But that has to be started now, that  
15 we move now one-third, sometime in the middle before  
16 the three years is over, another one-third, and finally  
17 we get to the full cost by the next rate case.

18 Q Okay. So something like a three-year  
19 transition plan it sounds like would not be anathema to  
20 you; is that fair?

21 A I don't understand what you mean by that  
22 because I said three years.

23 Q Okay. Very good.

24 A Three years, so that by next rate case we are  
25 at full cost.

1 Q All right. So in doing that I just want to  
2 make sure that I understood then the implications of  
3 your recommendation relative to the transportation  
4 customers in particular. So and I don't -- I guess  
5 maybe an easy way to go back to this, if you could go  
6 back to -- at your pleasure, either your -- well, let's  
7 just go to your testimony. Let's go back to the direct  
8 testimony, would be Page 12, with a table that contains  
9 your sort of recommendation.

10 A Page 12?

11 Q Yes.

12 A Okay. I'm there.

13 Q Okay. So I just want to make sure that I  
14 understand the implications of what your recommendation  
15 would look like. So in the transportation classes it's  
16 been divided up into the TSS for the small, TSM and the  
17 TSL for the medium and large.

18 Do you see that, sir?

19 A Yes.

20 Q Okay. So if we go with the phase-in approach  
21 and we keep the effects of that within the  
22 transportation class. Do I understand your  
23 recommendation to have the impact of the following:  
24 That in the first one-third step, the TSS and the TSM  
25 class would be allocated and pay higher rates than you

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1 would otherwise recommend them to pay in order to bring  
2 the TSL increase down to a smaller level. So you would  
3 shift dollars from the TSL into the TSS and TSM  
4 buckets, correct?

5 A Correct.

6 Q Okay. And then, so in the first year TSS,  
7 TSM go up relative to what they would otherwise be.  
8 TSL is a slightly smaller number. And then, if I  
9 understand this correctly, in subsequent years, again,  
10 to keep it balanced, the TSL would go up and the TSS  
11 and TSM would go down to get closer and closer to the  
12 recommended final outcome; is that correct?

13 A I'm not sure what you said, this last one.

14 Q Okay. And so this is what I'm just trying to  
15 make sure I understand how this works. So your  
16 recommendation is that the -- this gradualism gets  
17 contained entirely within the transportation segment;  
18 is that correct?

19 A Correct.

20 Q Okay. So that means it has to be a zero sum  
21 game between those classes, right?

22 A Correct.

23 Q Okay. So if I understand your suggestion, in  
24 order to ramp up to get to the TSL ultimate increase in  
25 steps, you're going to have to start by having lower

1 revenues from TSL, meaning you're going to have higher  
2 revenues from TSS and TSM than would be the case if we  
3 went straight to the cost of service outcome?

4 A Correct.

5 Q Right. And then once you do that after that  
6 first year, in year two, you're going to start getting  
7 more money from TSL because you're going to keep moving  
8 their rate up. And because they move up and it's a  
9 zero sum game, the other two classes in year two will  
10 now go down; is that correct?

11 A Down from where, that's the question?

12 Q So down from where they are after year one.

13 A I'm not sure. I have to do the calculations.  
14 What I see here, and I can't tell you without looking  
15 at the numbers, is this we need to bring the TSL up  
16 here gradually. So up until they get where they have  
17 to be, where they have to be, they are paying less up  
18 to.

19 And that portion that they are paying less  
20 will be covered by the other two sub classes, that's  
21 what I'm saying. So whether it's the first round or  
22 the second round or the third round, that's the way it  
23 should be.

24 Q Right. So what I'm trying to make sure I  
25 understand, though, is that -- so I want to understand

1 is the implications of your recommendation. If TSL is  
2 under-collected, that means that TSS and TSM must be  
3 over-collecting to compensate, right?

4 A Yes.

5 Q And then in the second year, as you get more  
6 money from TSL, that means you now need less money from  
7 TSS and TSM, right?

8 A Yes.

9 Q So that means that in year two, after going  
10 up for one year, in year two those two classes will  
11 then go down because that revenue is being made up by a  
12 further increase by the TSL class, right?

13 A Correct.

14 Q And then in year three it happens again, the  
15 TSL goes up now to the ultimate level of the proposed  
16 final outcome and the TSS and TSM go down to then  
17 actually what is the -- end up in the result, as in  
18 your proposal a negative 12 percent outcome for TSS and  
19 a 35.69 percent for TSM, right?

20 A Correct.

21 Q Okay. Thank you. I have no further  
22 questions of the witness.

23 A Can I say a word?

24 Q Sure.

25 A Sorry. Without the calculating the numbers,

1 the point I'm trying to make is it to ultimately get to  
2 the full cost of services for all of these three.  
3 That's what I am saying.

4 Q And I appreciate that. All I'm trying to see  
5 if I understand is that the implications of that is for  
6 the TSL class, they have three years of increase,  
7 increase, increase --

8 A Uh-huh.

9 Q -- and for the TSS and TSM, they have one  
10 year of increase, and then two years of decreases. So  
11 that at the end of the day, everybody gets back to the  
12 outcome that you're recommending. That's how your  
13 gradualism suggestion would work; is that correct?

14 A Correct.

15 MR. NELSON: Okay. Thank you. I appreciate  
16 that clarification and that's all the questions I have.

17 THE WITNESS: Thank you.

18 CHAIRMAN LeVAR: Thank you, Mr. Nelson.

19 Ms. Schmid, do you have any redirect for  
20 Dr. Abdulle?

21 MS. SCHMID: Very limited.

22 EXAMINATION

23 BY MS. SCHMID:

24 Q So during your time on the stand and in the  
25 testimony that has been filed and the summaries that

1 have been given today, parties have repeatedly referred  
2 to design day costs.

3 Do you know how much design day costs are?

4 A No, I don't know. In the record, in the --  
5 there's no evidence in the record telling us what that  
6 is or telling us what the difference between a system  
7 designed to meet a design day or the system designed to  
8 meet the actual peak day, what the difference in costs  
9 would be. There's nothing in the record about that.

10 Q You were asked many questions about why the  
11 Division was advocating a peak method. Why do you  
12 advocate a peak method that isn't a design day when  
13 design day causes some costs?

14 A In this proceeding a lot has been said as  
15 dealing with the principle of allocating a lot about  
16 the cost causation.

17 We, the Division, referred to the '97 case,  
18 which was -- in the proper cost causation is using the  
19 usage system. But that's not the only one principle  
20 that should be used. Benefits are also another  
21 principle that should be used, and I was -- as I  
22 indicated to an answer to one of the questions as was  
23 asked, the FERC allocates their system and their  
24 transmission system based on benefits rather than the  
25 way the system was designed originally.

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1           So that -- those are the reasons. And if we  
2 try to design -- to decide to allocate based on the  
3 design day, the problem with that is we don't know what  
4 the design day cost is. And if we try to allocate it  
5 based on something we do not know, we don't know where  
6 it's going to go. So we don't want to create  
7 unintended consequences based on something we have no  
8 clue of what it is.

9           MS. SCHMID: Thank you. I have no further  
10 questions.

11           CHAIRMAN LeVAR: Thank you, Ms. Schmid.

12           Why don't those of you who have recross  
13 indicate to me and then we'll figure out which order to  
14 go.

15           Just Mr. Russell, no one else?

16           Okay. Go ahead.

17                                   EXAMINATION

18 BY MR. RUSSELL:

19           Q     Dr. Abdulle, I have a follow-up question on  
20 that last point. You indicated in response to your  
21 counsel's question that you want to allocate costs  
22 based on the benefits.

23           Earlier you and I had a conversation about  
24 why it is useful to design the system consistent with  
25 this design day scenario. And I'm just wondering if



1 you allocate the costs of the system based on actual  
2 peak or three-year average of actual peak, how are you  
3 allocating the costs of the unused capacity on the  
4 system, which I understand from your discussion earlier  
5 primarily benefits sales customers?

6 A A lot has been said in this case about how  
7 would those different -- you know, volumes of costs  
8 should be different. We don't know exactly what those  
9 costs -- the costs between a system designed to meet  
10 the design day and the cost of a system designed to  
11 meet the -- what do you call it -- average cost day,  
12 average day, peak day.

13 We don't know that. But the thing is that if  
14 we do that, the proper way to deal with that is dealing  
15 with -- at the rate design level rather than the cost  
16 of service analysis.

17 Q I'll admit I don't know that I truly followed  
18 that. But let me just -- let me just kind of get to  
19 kind of the core of my point: Do you agree that all  
20 customers on the system benefit from having a system  
21 designed to meet the capacity that would be needed on a  
22 design day?

23 A Yes.

24 Q Okay. And based on the expected usage of the  
25 system on the actual peak day versus the design day,

1 isn't it true that the biggest difference is how the  
2 sales customers use the system on those two different  
3 days, right?

4 A Yes. Yeah.

5 Q Okay. Right. And on a design day, the sales  
6 customers are expected to use the system, much more of  
7 the capacity of the system, than they do on the peak  
8 day in 2021 or the last three years, correct?

9 A Correct.

10 Q Okay. So isn't it true then that building  
11 the system for a design day primarily benefits the  
12 sales customers?

13 A It benefits all the users, all users of the  
14 system.

15 Q Yeah, I won't dispute that point. But the  
16 incremental capacity difference between building it  
17 for, say, an actual peak day versus building a system  
18 for the design day, largely the difference there is to  
19 accommodate firm sales customers, yes?

20 A Yes. That's the difference.

21 Q Okay. And so if there is a benefit to having  
22 that additional capacity, my question to you is: How  
23 do we allocate that benefit to having that capacity  
24 available if what we're doing is allocating costs based  
25 on how the system is used?

1           In your example in the three years of actual  
2 peak day or in, you know, the 2021 example, how do we  
3 allocate that benefit of having the system being there  
4 if we're not accounting for it?

5           A       We're not saying we're not accounting for it.  
6 We're saying -- what we're dealing here -- what we're  
7 mixing is how to recover the costs -- I mean, how much  
8 of the costs should be recovered and how to allocate  
9 the costs. They are, in my mind, two separate things.

10           So here in this issue, we're dealing with the  
11 "how" it should be allocated among the customer  
12 classes, and we think that it should be allocated based  
13 on usage rather than the design day for the reasons I  
14 mentioned earlier.

15           MR. RUSSELL:   Okay.   Thank you.

16           CHAIRMAN LeVAR:   Thank you, Mr. Russell.

17           Commissioner Allen, do you have any questions  
18 for Dr. Abdulle?

19           COMMISSIONER ALLEN:   I do not.   Thank you.

20           CHAIRMAN LeVAR:   Commissioner Clark?

21                               EXAMINATION

22           BY COMMISSIONER CLAK:

23           Q       Yeah, I just have a very basic question, I  
24 think, but I want to make sure.   It's been implicit I  
25 think in the discussion, but if we look at Table 7 on

1 Page 12 of your revised -- what is it here, revised  
2 direct.

3 A I'm there.

4 Q Okay. So if we look at the revenue column,  
5 the D and G revenue column, and we look at the -- these  
6 are dollars, I assume. And if we -- if we add the  
7 revenues for TSS, TSM and TSL, and if those revenues  
8 are all recovered, are these classes then -- or is the  
9 TS, if we look at the TS class together, is that class  
10 then recovering its costs fully?

11 A Yes. In the last rate case there was a  
12 proposal -- there was an order to move costs of TS to  
13 their full costs.

14 Q Right.

15 A And that has been done.

16 Q And I want to make sure we continue to  
17 achieve that if we do what the tables describe here,  
18 particularly your table, and you're telling me we do?

19 A Correct, we do.

20 MR. CLARK: Okay. Thank you. That's my only  
21 question.

22 EXAMINATION

23 BY CHAIRMAN LeVAR:

24 Q Thank you. I just want to make sure I'm  
25 understanding your position so tell me if I'm mistake

1 about this. I think I'm hearing, especially in this  
2 last cross-examination with Mr. Russell, you're saying  
3 that a benefits-based cost allocation is your  
4 preference to a cost causation-based. Am I repeating  
5 that correctly, or are you saying the benefits is  
6 another way to reflect cost causation?

7 A It's another way to reflect. It's both.  
8 It's a combination of the two and both of them are  
9 leading to the same thing. The cost causation is  
10 saying it should be allocated based on the usage, and  
11 the benefit-based is similar in this case for usage.

12 Q So you used the analogy to the FERC  
13 transmission cost causation based on benefits. You  
14 view that as a cost causation cost allocation?

15 A No. The FERC allocation is doing it based on  
16 benefits and that is similar to using usage in this  
17 case.

18 Q Okay. And this --

19 A So both --

20 Q Sorry. Go ahead, finish.

21 A So the cost causation that we were referring  
22 to that was based on the Rocky Mountain power case  
23 '97 --

24 Q Okay.

25 A -- is dealing with -- is boiling down to

1 allocating based on usage. And the similarity I'm  
2 drawing with the FERC is saying like cost causation is  
3 not the only way to look, but also benefits are another  
4 way to look at it. And the benefits in that -- in this  
5 situation is similar to the usage.

6 Q Okay. So tell me if I'm understanding what  
7 you just said correctly. I think what I heard you say  
8 is, you're not saying that the FERC benefits cost  
9 allocation is a cost causation. But you're saying that  
10 in this case, a benefits-based, while having some  
11 similarities to the FERC system, is a cost  
12 causation-based?

13 A Yes. Both of them, whether we use the cost  
14 causation or we use the benefit aspect, what we are  
15 saying is that usage should be the basis of the  
16 allocation.

17 Q Okay. Thank you, that helps my  
18 understanding.

19 A You're welcome.

20 CHAIRMAN LeVAR: Oh, and thank you for your  
21 testimony this afternoon -- this morning and this  
22 afternoon.

23 THE WITNESS: Thank you.

24 CHAIRMAN LeVAR: Anything else from the  
25 Division of Public Utilities?

1 MS. SCHMID: Nothing further from the  
2 Division. Thank you.

3 MR. MECHAM: Mr. Chair?

4 CHAIRMAN LeVAR: Yes.

5 MR. MECHAM: I have Mr. Curtis Chisholm here  
6 and I've talked with the other parties, we could take  
7 him today right now and probably get him on and off  
8 quite quickly.

9 CHAIRMAN LeVAR: Okay. And no one else  
10 objects to that?

11 MR. MECHAM: I don't think so.

12 CHAIRMAN LeVAR: Mr. Moore?

13 MR. MOORE: No. But we would ask that the  
14 OCS witness go next. I just think it's a more logical  
15 way to proceed.

16 CHAIRMAN LeVAR: And then Mr. Chisholm after  
17 your witness.

18 MR. MOORE: No, after Mr. Chisholm?

19 CHAIRMAN LeVAR: Oh, after Mr. Chisholm.  
20 Okay. And disagreement with that?

21 Okay. Mr. Mecham.

22 MR. MECHAM: Thank you. ANGC calls  
23 Mr. Curtis Chisholm.

24 CHAIRMAN LeVAR: Good afternoon,  
25 Mr. Chisholm.

1 THE WITNESS: Good afternoon.

2 CHAIRMAN LeVAR: Do you swear to tell the  
3 truth?

4 THE WITNESS: I do.

5 CHAIRMAN LeVAR: Thank you.

6

7 CURTIS CHISHOLM,  
8 called as a witness, was examined and testified as  
9 follows:

10 EXAMINATION

11 BY MR. MECHAM:

12 Q Mr. Chisholm, you're going to want to stay  
13 close to that microphone.

14 Could you state your name and business  
15 address for the record, please.

16 A Yes. My name Curtis Chisholm. My business  
17 address is 201 South Main Street, Floor 20, Salt Lake  
18 City, Utah.

19 Q Thank you. And please state your name and  
20 place of employment.

21 A My place of employment is Integrated Energy  
22 Companies and its subsidiary Summit Energy and I am the  
23 chief executive officer.

24 Q Whom are you appearing today?

25 A I am here appearing for the American Natural

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1 Gas Association, also known as ANGC.

2 Q Did you prepare or have prepared under your  
3 supervision and have filed in this proceeding direct  
4 testimony that we've marked as ANGC 1 with ANGC 1.1  
5 through 1.3 attached and rebuttal testimony marked as  
6 ANGC 1R?

7 A Yes.

8 Q Do you have a short summary of your  
9 testimony?

10 A I do.

11 Q Go ahead and give it, please.

12 A ANGC supports Dominion's proposal to separate  
13 the transportation service class into three subclasses,  
14 small, medium and large. In Dominion's last rate case,  
15 ANGC witness Bruce Oliver illustrated how TS customers  
16 using fewer than 3500 dekatherms per year were  
17 providing a rate of return to Dominion's system of  
18 9.11 percent, where TS customers using more than 35,000  
19 dekatherms per year were only providing a return of  
20 .75 percent or less than 1 percent.

21 It was clear that the smaller TS customers  
22 were subsidizing the larger TS customers. Mr. Oliver  
23 recommended the dividing TS class in that case to  
24 address that inequity. But the Commission did not  
25 accept his proposal and instead ordered the parties to

1 study the TS class issues in a separate investigatory  
2 docket.

3 Interested parties spent a year investigating  
4 those issues. ANGC believes Dominion's proposal to  
5 divide the class in this proceeding is a fair and  
6 reasonable outcome based on that investigation.

7 In his rebuttal testimony in this proceeding,  
8 ANGC witness Tim Oliver found the subsidy of the large  
9 TS customers by smaller customers persists and needs to  
10 be addressed. Those results are in Table 3 of  
11 Mr. Oliver's rebuttal testimony and I defer questions  
12 about that to him.

13 ANGC encourages the Commission to adopt  
14 Dominion's recommendations to divide the TS class in  
15 order to begin to move rates closer to the cost of  
16 service and to give the smaller TS customers some rate  
17 relief.

18 This concludes my summary.

19 MR. MECHAM: Thank you, Mr. Chisholm.

20 We move the admission of ANGC 1, ANGC 1.1  
21 through 1.3, and ANGC 1R into the record?

22 CHAIRMAN LeVAR: Please indicate if anyone  
23 objects to that motion. Not seeing any objection, so  
24 it's grant.

25 (ANGC 1, ANGC 1.1 - 1.3, ANGC 1R

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WERE ADMITTED.)

MR. MECHAM: Thank you. Mr. Chisholm is available for cross-examination.

CHAIRMAN LeVAR: Okay. I'll go to Ms. Nelson Clark first do you have any questions, or Mr. Sabin?

MS. NELSON CLARK: (Shakes head negative). I will got Ms. Schmid next.

MS. SCHMID: The Division also has no questions.

CHAIRMAN LeVAR: Thank you. Mr. Moore?

MR. MOORE: No questions. Thank you.

CHAIRMAN LeVAR: Major Buchanan?

MS: BUCHANAN: No questions. Thank you.

CHAIRMAN LeVAR: Mr. Russell?

MR. RUSSELL: No questions. Thank you.

CHAIRMAN LeVAR: Mr. Cook?

MR. COOK: No questions.

CHAIRMAN LeVAR: Mr. Nelson?

MR. NELSON: No questions. Thank you.

CHAIRMAN LeVAR: Okay. Commissioner Clark?

COMMISSIONER CLAK: I have no questions. But thank you for being here, Mr. Chisholm.

CHAIRMAN LeVAR: Mr. Allen?

COMMISSIONER ALLEN: No questions. Thank

1 you.

2 CHAIRMAN LeVAR: And I don't think I have any  
3 either. So thank you for your testimony in this  
4 docket, we appreciate what you filed with us. And  
5 we're going to Mr. Moore now. Is that right?

6 MR. MOORE: Yes. The Office calls James  
7 Daniel to the stand and asks that he be sworn.

8 CHAIRMAN LeVAR: Good afternoon, Mr. Daniel.

9 THE WITNESS: Good afternoon.

10 CHAIRMAN LeVAR: Do you swear to tell the  
11 truth?

12 THE WITNESS: Yes.

13 CHAIRMAN LeVAR: Thank you.

14

15 JAMES W. DANIEL,  
16 called as a witness, being first duly sworn, was  
17 examined and testified as follows:

18

19 EXAMINATION

20 BY MR. MOORE:

21 Q Please state and spell your name for the  
22 record.

23 A My name is James Daniel.

24 Q On whose behalf are you testifying today?

25 A On behalf of the Office of Consumer Services.

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1 Q On September 15, 2022 did you prepare a cause  
2 to be filed, direct testimony together with exhibits  
3 4.1D and 4.2D, Work Papers 1 in the docket?

4 A Yes, I did.

5 Q On October 3rd do you cause to be filed a  
6 notice of errata concerning your direct testimony?

7 A Yes.

8 Q On October 13th, 2022, did you prepare and  
9 cause to be filed rebuttal testimony in this docket?

10 A Yes.

11 Q And on November 3rd, 2022, did you prepare  
12 and cause to be filed surrebuttal testimony together  
13 with Exhibits 4.1S and Revised Work Papers 1?

14 A Yes, I did.

15 Q Other than the changes made pursuant to the  
16 October 3rd notice of errata, do you have any changes  
17 in your testimony you'd like to make at this time?

18 A I do not.

19 Q Again, other than changes made pursuant to  
20 the October 3rd notice of errata, if you were asked the  
21 same questions that are contained in your testimony  
22 would your answers be the same?

23 A Yes.

24 MR. MOORE: At this point, the Office moves  
25 to admit Mr. Daniel's direct, rebuttal, surrebuttal

1 accompanying exhibits and notice of errata.

2 CHAIRMAN LeVAR: Please indicate if anyone  
3 objects to that motion. Not seeing any, so the motion  
4 is granted.

5 (JAMES DANIEL DIRECT, REBUTTAL,  
6 SURREBUTTAL, EXHIBITS AND NOTICE  
7 OF ERRATA WERE ADMITTED.)

8 BY MR. MOORE:

9 Q Mr. Daniel, have you prepared a summary of  
10 your testimony explaining the OCS position in this  
11 docket?

12 A Yes, I did.

13 Q Please proceed.

14 A Thank you. As discussed in my direct  
15 rebuttal and surrebuttal testimony, there are several  
16 cost allocation issues in this case. The class cost to  
17 service study also results in some classes receiving  
18 substantial rate increases that need to be moderated.

19 In addition, I address the need for the  
20 Commission to analyze whether to continue the  
21 conservation-enabling tariff, or CET, in DEU's next  
22 rate case.

23 I'll next summarize each of the cost  
24 allocation issues that I address. The first one is the  
25 peak day versus design day demand allocation factor.

1 DEU is, again, proposing to use a design day  
2 demand allocation factor. The design day demands are  
3 estimates for the maximum daily demand for gas on DEU's  
4 system during an assumed extremely cold period. A  
5 better measure of how DEU's distribution system is  
6 actually used is to use the actual test year peak  
7 demand.

8 The NARUC gas distribution rate design manual  
9 recognizes the use of the actual test year peak demand  
10 as one of the three most accepted demand allocation  
11 methodologies. The design day demand is not one of  
12 those three methods.

13 I recommend that the actual peak day demand  
14 factor be used instead of DEU's demand day factor.

15 The next issue is the weighted peak day and  
16 throughput allocation factor. Another major cost  
17 allocation issue in this case is the proper allocation  
18 of distribution system costs related to feeder systems,  
19 compressor stations, and measurement and regulation  
20 stations.

21 DEU uses an allocation factor that is a 60/40  
22 weighting of its design day demand allocation factor  
23 and its throughput allocation factor. DEU did not  
24 support its 60/40 weighting other than to state that  
25 that is what it's used in the past. Other parties have

1 proposed various other weighting factors or have  
2 recommended not using the throughput allocation factor  
3 at all.

4 I recommend using the system load factor that  
5 is calculated using the actual peak demand for  
6 weighting throughput allocation factor and one minus  
7 the load factor for weighting the peak demand  
8 allocation factor. This is similar to a peak and  
9 average allocation methodology. The result is a 52/48  
10 weighting.

11 Next issue is the allocation of general plant  
12 depreciation expenses. By under-allocating costs to  
13 the natural gas vehicle customer class, DEU attempts to  
14 hide an interclass subsidy. DEU has incorrectly  
15 allocated general plant depreciation and therefore  
16 under-allocates costs to the NGV class.

17 General plant depreciation expenses should be  
18 allocated based on the allocation of general plant,  
19 i.e. the plant that causes the depreciation expenses.

20 The next issue is an allocation of cost to  
21 interruptible service customers. DEU is proposing to  
22 not allocate demand-related costs to the interruptible  
23 service class. The interruptible customers use the  
24 distribution system and are rarely interrupted.

25 Although in DEU's last rate case, the



1 interruptible customers were not allocated  
2 demand-related costs. The Commission has previously  
3 accepted allocation and demand-related costs to the  
4 interruptible service class. The Commission should  
5 reject DEU's proposal.

6 The next issue I'll discuss is revenue  
7 distribution. Another contested issue in this case is  
8 whether gradualism should be used to mitigate  
9 significant rate increases for some customer classes.  
10 Of course the level of the overall revenue increase  
11 approved by the Commission will impact the need for  
12 gradualism.

13 I recommend limiting the rate increase for  
14 the medium and large transportation customer classes to  
15 the percent increase for the next highest percent rate  
16 increase, which is the percent increase for the NGV  
17 customer class.

18 Last issue that I'd address is the  
19 conservation enabling tariff or the CET. The  
20 Commission approved DEU's CET automatic rate adjustment  
21 provision in 2006 or 16 years ago. The primary reason  
22 the CET was approved was the rapid decline in the  
23 annual average use of the general service customers  
24 during the previous 25 years.

25 Over the 15 years since the CET was approved,

1 the decline and the average use has leveled off. Other  
2 LDCs offer energy efficiency programs without revenue  
3 decoupling mechanisms such as the CET.

4 In this case the DEU's proxy group for  
5 determining the return on the equity mostly included  
6 other LDCs that do not have full revenue decoupling.  
7 All of these issues indicate the need to review whether  
8 or not the CET is still needed. As a policy, the  
9 Commission should periodically review the need of any  
10 automatic rate adjustment mechanisms.

11 I recommend that the Commission order DEU to  
12 include in its next rate case its justification for  
13 continuing the CET. I would not recommend that the  
14 Commission make that decision in this case. DEU did  
15 not present any arguments for continuing CET until its  
16 rebuttal and then again in its surrebuttal. Other  
17 parties have not been given adequate opportunity to  
18 analyze DEU's arguments in this case.

19 Thank you.

20 MR. MOORE: Mr. Daniel is available for  
21 cross-examination and questions from the Commission.

22 CHAIRMAN LeVAR: Thank you. I will go to  
23 Ms. Schmid first. Do you have any questions for  
24 Mr. Daniel?

25 MS. SCHMID: No questions.

1           CHAIRMAN LeVAR:   Okay.  I will go to  
2 Mr. Nelson next.  Do you have any questions for  
3 Mr. Daniel?

4           MR. NELSON:  I do but I was not ready.  I've  
5 gotten so used to the pattern.

6           CHAIRMAN LeVAR:  With the volume of issues  
7 Mr. Daniel addressed, I don't think there's a perfect  
8 order for cross-examination so I was just picking one,  
9 but I can come back to you in a moment.

10          MR. NELSON:  No, no.  I'm totally good to go,  
11 I pressed my button down.

12                               EXAMINATION

13 BY MR. NELSON:

14           Q     Good afternoon, Mr. Daniel.

15           A     Good afternoon.

16           Q     My name is Thor Nelson, I'm a -- we met  
17 before, I'm counsel for the Utah Asphalt Pavement  
18 Association in this proceeding.  I have a -- just a  
19 couple of questions for you, I anticipate my colleagues  
20 will cover the bulk of the ground here today.  I want  
21 to start, though, asking you a question about the  
22 interruptible customers.

23                       In your opinion does the presence of  
24 interruptible customers on Dominion's system provide  
25 benefits to the system?

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1 A Yes, they do.

2 Q And what are the benefits you see from the  
3 presence of interruptible customers?

4 A Well, mostly in an emergency situation the  
5 company can call on them to interrupt their demand.

6 Q And the beneficiaries of that are who?

7 A Would be the other customers.

8 Q So the sales customers, for example?

9 A The sales customers would benefit, yes.

10 Q Okay. So would you agree with me that an  
11 interruptible service is an inferior service from the  
12 customer perspective to a firm service?

13 A If they're interrupted it would be. But yes,  
14 typically, you would pay a lower rate because it's less  
15 firm service.

16 Q Okay. And you have anticipated my next  
17 question, that because of that diminished service that  
18 you're getting, because you have the ability to be  
19 interrupted, you would expect that you would pay a  
20 slightly lower rate for that; is that fair?

21 A Yes, I would expect that.

22 Q Okay. Would you agree with me that if we're  
23 allocating the fixed cost of the system in part based  
24 on throughput, that the interruptible customers will  
25 pay for those allocated costs insofar as they have

1 throughput on the system, correct?

2 A If their throughput is included in that  
3 calculation then they would be allocated --

4 Q Okay.

5 A -- some costs.

6 Q So my question is this: If you -- if you  
7 have a regular transportation customer that's allocated  
8 based on throughput and based on their contribution to  
9 peak, and in your position you take an interruptible  
10 customer and they get allocated costs based on their  
11 throughput and their contribution to peak, how do you  
12 create the discount necessary to attract customers to  
13 take this inferior service?

14 So they're both getting allocated costs the  
15 same way, why don't we just make them all firm  
16 customers?

17 A Well, I'm not proposing to include hundred  
18 percent of the interruptible customers demand, so  
19 that's how they get a discount.

20 Q Okay. But as a practical matter, you're  
21 proposing to allocate the fixed costs of the system  
22 using at least a portion of the interruptible customers  
23 demand, which is different from what has happened  
24 historically relative to this utility; is that fair?

25 A Well, historically I believe they have been

1 allocated demand costs in some cases and at least most  
2 recently they were not allocated.

3 Q And that was the case I was referring to.  
4 Okay. Thank you for that.

5 Let's move on to the some of your proposals  
6 relative to revenue allocation and gradualism. Could I  
7 please ask you to turn to your rebuttal testimony and  
8 that's Exhibit OCS 4R, and if you could let me know  
9 when you have that in front of you.

10 A I'm not finding my exhibits, rebuttal  
11 exhibits on this.

12 Q And this is your testimony, in particular  
13 Page 12 is what I'm looking at.

14 A All right. I'm there.

15 Q Okay. On Page 12 of your rebuttal testimony,  
16 do you see a question at Line 268, "Do you have any  
17 issues with UAE's gradualism proposal?"

18 Do you see that, sir?

19 A Yes, I do.

20 Q Okay. And you answered yes, and then you go  
21 on to say, "The primary issue with UAE's gradualism  
22 proposal is that it would increase the GS class's  
23 revenues to above its allocated cost of service."

24 Do you see that, sir?

25 A Yes, I do.

1 Q All right. Could I please ask you to turn to  
2 now your direct testimony in this case. Do you have  
3 that in front of you?

4 A Yes, I do.

5 Q All right. And could you please refer to  
6 Page 27 of that testimony and let me know when you are  
7 there.

8 A I'm there.

9 Q On that page at Line 573, do you see the  
10 question, "What are the results of your adjusted COSS?"  
11 Do you see that, sir?

12 CHAIRMAN LeVAR: Are you on maybe direct?

13 MR. NELSON: Yeah, I'm in the revised direct.

14 CHAIRMAN LeVAR: Yes, I think we were all in  
15 a different --

16 MR. NELSON: Do I have the wrong exhibit?  
17 I'm looking at Daniel OCS 4D revised. Which was the  
18 revised direct testimony. Is that not the right  
19 exhibit?

20 CHAIRMAN LeVAR: Sorry. Maybe I'm the only  
21 one that's not with you. I had his original number  
22 revised, I'm sorry. So I'll catch up. Go ahead.

23 MR. NELSON: If I give me a moment I can pull  
24 up the non-revised and it may have a different line  
25 number.

1           CHAIRMAN LeVAR: I found the revised. Sorry  
2 to delay you.

3           MR. NELSON: That's okay.

4 BY MR. NELSON:

5           Q     Mr. Daniel, do you have -- the version in  
6 front of you, is that the revised version or do you  
7 have the original version just so -- I don't think this  
8 portion was changed, so I don't think it's going to  
9 matter but I want to make sure that we're on the same  
10 page.

11          A     I have the revised.

12          Q     Okay. All right. So on the revised, do I  
13 have it correct that at 573 you have a question, "What  
14 are the results of your adjusted COSS?"

15          A     Yes, I see that.

16          Q     Okay. And the COSS, just for the record and  
17 the folks in the room, that's the class cost of service  
18 study; is that correct?

19          A     That's correct.

20          Q     Okay. And then below that in Table 1 you  
21 show what is from your recommendation, the appropriate  
22 class cost of service. And in particular in the Table  
23 1 on the right-hand set of columns, that's your  
24 recommended class cost of service outcomes; is that  
25 fair?



1 A Yes, that's correct.

2 Q Okay. And I want to focus in particular to  
3 the transportation service classes, the TSS or  
4 transportation service small; TSM and TSL which are  
5 transportation services medium and large.

6 Do you see those, sir?

7 A Yes, I do.

8 Q Okay. And your recommendation as to what  
9 their cost of service would be is a minus 18 percent --  
10 well, let me back up. I said that poorly.

11 Based on your proposed cost of service, this  
12 rate case would trigger using the revenue requirement  
13 that's shown in this table, and that is to say the OCS  
14 proposed revenue requirement, but we'll use that for  
15 comparison purposes. An outcome for the TSS class of a  
16 minus 18.5 percent rate change; is that correct?

17 A Yes.

18 Q And for the TSM class, a 31.7 percent rate  
19 increase, correct?

20 A Yes, that's correct.

21 Q And for the TSL class a 116.6 percent rate  
22 increase, correct?

23 A Correct.

24 Q All right. But having said that, you propose  
25 a gradualism adjustment that you then apply to the

1 transportation customers, correct?

2 A Yes, that's correct.

3 Q And in particular, if you go down a couple of  
4 pages to Page 29, and if you'd like for context at the  
5 bottom of 28 there's a question there, and then at the  
6 top of 29 there's a Table 2.

7 Do you see that, sir?

8 A Yes, I do.

9 Q And am I correct that Table 2 shows your  
10 proposed recommendation incorporating your cost of  
11 service study and your proposed gradualism adjustment?

12 A Yes, that's what it says.

13 Q Okay. So in that instance, when you apply  
14 your gradualism adjustment for the TSS class, instead  
15 of a minus 18.5 percent rate decrease based on cost of  
16 service, your recommendation would yield a  
17 27.56 percent rate increase, correct?

18 A Correct.

19 Q So that would be an outcome for TSS where the  
20 end result is higher than their cost of service, right?

21 A Yes, that's correct.

22 Q And for TSM, your allocated cost of service  
23 recommended an increase of 31.7 percent. Do you recall  
24 that?

25 A Yes.

1 Q In your gradualism proposal you suggest that  
2 that class receive a 46.13 percent increase, correct?

3 A That's correct.

4 Q And again, that increase is greater than your  
5 recommended allocated cost of service, correct?

6 A That's correct.

7 Q All right. So in conclusion, is it fair to  
8 say that the criticism that you leveled in rebuttal to  
9 Mr. Higgins, that his gradualism approach was  
10 problematic because it caused the GS class to be  
11 allocated more costs than he determined in the COSS,  
12 you violate that same principle in your testimony for  
13 the TSS and the TSM class and have the same result,  
14 which is your gradualism adjustment allocates more  
15 costs to those particular classes than your cost of  
16 service study suggest is appropriate, right?

17 A It does allocate more cost to those classes.  
18 You have to spread the revenue shortfall to some  
19 classes. So by definition, some classes will end up  
20 above their cost of service.

21 Q And that's true of -- I guess your point is  
22 any time you do a gradualism adjustment by definition,  
23 some classes are going to have to be above their cost  
24 of service if you are going to maintain other classes  
25 below their cost of service and keep the entire revenue

1 requirement in equilibrium, right?

2 A That is correct.

3 Q Okay. Relative to your gradualism  
4 adjustment, one of the topics that has been discussed  
5 by others in the case, but which I don't -- I don't  
6 recall seeing in your testimony so I just want to  
7 explore with you, do you recall that others in the  
8 proceeding have suggested a gradualism approach that is  
9 phased in, meaning that over time the rates are reset  
10 between now and the next rate case perhaps, so that it  
11 ultimately, perhaps after a three-year period some have  
12 proposed, you move from the outcome from this case to  
13 whatever the Commission determines is the appropriate  
14 cost of service outcome? Do you recall people making  
15 that suggestion generally?

16 A Yes. I believe that's what the Commission  
17 approved in the previous case.

18 Q Understood. So I want to ask you your view  
19 of that. If the Commission adopts your approach and  
20 implements a gradualism adjustment for the  
21 transportation class, do you have any objection to the  
22 Commission also ordering a phase approach, which would  
23 transition from whatever the first step of the rate  
24 changes out of this case to whatever the Commission  
25 determines is the allocated cost of service outcome

1 over, for example, a three-year period?

2 A No. In the last case I supported the  
3 three-year phase in, so I would not have a problem in  
4 this case.

5 MR. NELSON: Thank you. I have no further  
6 questions of this witness.

7 CHAIRMAN LeVAR: Okay. Thank you,  
8 Mr. Nelson.

9 I think I'll go to Dominion next. Do you  
10 have any questions for Mr. Daniel?

11 MS. NELSON CLARK: Company has no questions.

12 CHAIRMAN LeVAR: Okay. Thank you.

13 Major Buchanan, I'll go to you next.

14 MS: BUCHANAN: No questions.

15 CHAIRMAN LeVAR: Okay. Mr. Mecham?

16 MR. MECHAM: I have no questions.

17 CHAIRMAN LeVAR: Mr. Cook?

18 MR. COOK: No questions.

19 CHAIRMAN LeVAR: Mr. Russell?

20 MR. RUSSELL: I do have some questions.

21 EXAMINATION

22 BY MR. RUSSELL:

23 Q Mr. Daniel, I'm going to have you turn in  
24 your direct testimony, I guess we're using your  
25 corrected direct testimony now, which I didn't

1 initially have up, to Line 160. I believe it's at the  
2 top of Page 8.

3 A I'm there.

4 Q All right. And this sort of continues the  
5 conversation that you had and that we've been having  
6 today about the use of the design day factor versus the  
7 use of the actual peak day factor. And you recommend  
8 the use of the actual peak day factor and criticized  
9 those that use the design day factor, right?

10 A Yes.

11 Q Okay. And in this section of your testimony  
12 you're explaining your reasons for not wanting to use  
13 the design day factor and you say, "The primary reason  
14 is that the use of a test year peak day demand is more  
15 current and is a better representation of how DEU's  
16 system is actually being used by rate payors."

17 I want to hit on a couple of points in there.  
18 First is the reference to a test year peak day demand.  
19 Did you use a test year peak day demand?

20 A I did use it in developing Allocation Factor  
21 230.

22 Q The test period in this case is calendar year  
23 2023, correct?

24 A I believe that's correct.

25 Q Okay. And your use of the actual peak day

1 factor is based off of what the company submitted with  
2 its direct testimony, right?

3 A Yes, I'm using the data the company  
4 submitted.

5 Q Okay. And as Mr. Summers explained in his  
6 direct testimony, that actual peak day factor is from a  
7 high use day towards the end of December in 2021,  
8 correct?

9 A That sounds correct.

10 Q Okay. So your use of the peak day allocation  
11 factor is not a test year peak day demand, correct?

12 A That's correct, it's from a prior period.

13 Q Right. Okay. So you go on to say that the  
14 actual peak day factor is more current than the design  
15 day factor, and I just kind of want to touch on that.  
16 Given that your use of the peak day factor references a  
17 time period in 2021, December of 2021, and that the  
18 design day factor is a projected use from the 2022 to  
19 2023 period, why do you believe that the use of the  
20 actual peak day factor is more current than the design  
21 day factor?

22 A I think it was in reference to the test year  
23 but I don't specifically recall why I said that.

24 Q Okay. And then if we move on to that --  
25 towards the latter half of that sentence where you talk

1 about it being a better representation of how DEU's  
2 system is actually being used by rate payors, there's  
3 been a fair bit of conversation about whether the use  
4 of the system is the correct way to do it.

5 I'm not really interested in that because we  
6 talked about it a lot with some other witnesses, but I  
7 guess I'm interested in why you think a factor that  
8 estimates usage in 2021, and we've talked a little bit  
9 about how we get to the actual peak day factor, there  
10 is some estimating going on there, right?

11 A There is some estimation going on in the peak  
12 day demand allocation factor, it's just less estimation  
13 than the design day.

14 Q And so I guess what I want to get to is the  
15 issue that we're talking about here, the better  
16 representation of how DEU's system is actually being  
17 used, one question I have is: Actually being used  
18 when? Right, because you're relying on an actual peak  
19 day period from 2021. This test period in this case is  
20 a 2023 test period.

21 And I guess I'm wondering whether you think  
22 it's relevant to the question of a better fit about how  
23 the system is being used, whether the peak day is some  
24 period in the past, or it aligns with the test period  
25 that is being used for the rest of the case?



1           A        Could you repeat your question? I'm not sure  
2 I understood this.

3           Q        I'll try to do it better this time. That  
4 wasn't a very good question.

5                    What I'm really trying to get at is your  
6 indication that the use of the actual peak day factor  
7 represents a better representation of how DEU's system  
8 is actually being used by rate payors. I'm curious  
9 about the better representation of use given the  
10 misalignment between the time period that you're  
11 measuring peak and the test period in the case.

12                   Is it -- do you believe it's a better  
13 representation of how the system is being used during  
14 the test period to use an actual peak period from  
15 December of 2021 when the test period is calendar year  
16 2023?

17           A        I think I understood that. The peak demand  
18 day is based on an actual system peak, and I think  
19 that's what I'm referring to rather than estimated  
20 hypothetical system peak.

21           Q        Okay. Thank you. I'm going to have you turn  
22 in your surrebuttal testimony to Line 158 if you would,  
23 please.

24           A        Line?

25           Q        158.

1           A     I'm there.

2           Q     Okay.  Now, instead of going through this  
3 whole thing I'll just kind of try to set it up.  
4 There's a portion of your surrebuttal testimony where  
5 you're responding to some other witnesses who are  
6 proposing to use the design day factor and point to the  
7 illustrative example in the NARUC manual in support of  
8 that proposal.

9                     Do you recall that?

10          A     Yes.

11          Q     Okay.  And you say -- in response to that you  
12 say -- the question is, "Do you agree that the NARUC  
13 manual endorses use of estimated design day demands for  
14 allocating demand-related costs," and you say no.  
15 We're going to walk through this here shortly but just  
16 to give everyone a sense of why you're saying that,  
17 you're saying that the description of the allocation  
18 factor -- demand allocation factor methods coincident  
19 peak, non-coincident peak, and averaging peak, all use  
20 actual use; correct, that's your point?

21          A     Well, it's not -- the design day demand  
22 methodology is not included in that same discussion.

23          Q     Do you still have -- I previously put a  
24 packet of exhibits up there, I hope they're still  
25 there.  One was an excerpt from the rate design manual.

1 Is that still up there?

2 A I do not see it.

3 Q I've got another one.

4 MR. SABIN: I'll just give him another one.

5 MR. RUSSELL: Thanks.

6 MR. SABIN: (Tenders.)

7 BY MR. RUSSELL:

8 Q This is an excerpt of the gas manual that so  
9 many of the parties have referenced here. You  
10 recognize it at least from its cover?

11 A Yes.

12 Q Okay. I have included the cover and I think  
13 Pages 20 through 34 or something along those lines.  
14 What I hoped to capture was the discussion about the  
15 allocation of demand costs. And what I'd like you to  
16 do -- and this would be marked as UAE Cross Exhibit 3.  
17 What I would like you to do is turn to page 20 of that  
18 manual. Excuse me, Page 30, I misread it.

19 A Okay.

20 Q So Page 30 begins a section titled  
21 "Illustrative Embedded Cost of Service Study." Now,  
22 the manual goes through it and having gone through the  
23 exercise of describing the various tasks in rate  
24 making, functionalization, classification, allocation,  
25 and in describing some of the demand allocation

1 factors, it then provides an illustrative example of  
2 how to do all that, right?

3 A Yes, it does.

4 Q Okay. I'm just going to read this first  
5 paragraph under Section C and we'll talk about it:  
6 "The cost of service study is a series of choices  
7 regarding potentially controversial methods of  
8 identifying and allocating costs incurred by utility.  
9 This illustrative study represents one possible means  
10 of computing class cost of service. There are many  
11 other equally correct methods. For illustrative  
12 purposes the following example demonstrates how the  
13 factors discussed above are utilized in a fully  
14 allocated cost of service study."

15 Now, I want to focus on the phrase in that  
16 second to last line there, "how the factors discussed  
17 above." The factors discussed above include the  
18 allocation of demand and capacity costs, right?

19 A Yes.

20 Q Including the coincident peak method and the  
21 average and peak method, correct?

22 A That's correct.

23 Q Okay. And below this there is an  
24 illustrative example and there's an illustrative  
25 example that others have pointed to for peak day

1 demand. Now that is a design day example, correct?

2 A Yes. The illustrative example that's  
3 included uses a design day demand. And I would note at  
4 the top of Page 29 it says that that demand that's  
5 included in the illustrative cost of service study is a  
6 relatively unsophisticated estimate of system peaks.

7 Q Sure. But the sentence before that states  
8 that it is one -- or one can calculate with reasonable  
9 accuracy the demands to be placed on the system,  
10 correct?

11 A Yes, it does say that.

12 Q Okay. And "to be placed on the system"  
13 suggests not strictly using some historical data but  
14 allowing at least for a projection of usage in the  
15 future, correct?

16 A Could you say that again?

17 Q The phrase that we were just looking at at  
18 the top of Page 29, if I can go back to it, is  
19 indicating that you can calculate with reasonable  
20 accuracy the demands to be placed on the system. I'm  
21 merely pointing out that that "to be placed on the  
22 system" is future-looking and not necessarily requiring  
23 it to be backward-looking to get to actual usage,  
24 right?

25 A Yeah, that would -- it says to be placed on

1 the system, so that sounds future, future indication to  
2 me.

3 Q Okay. I want to go to the portions of the  
4 manual that talk about coincident demand method and the  
5 average and peak demand method. As we talked about  
6 earlier your -- one of the points that you made in  
7 proposing that we dismiss the illustrative example was  
8 that in your view the coincident demand method  
9 description and the average and peak method description  
10 are relying on actual peak data rather than something  
11 else, right?

12 A Yes, I believe that's right.

13 Q Okay. And I want you to point to me where in  
14 the description under -- let's go to Page 27 and look  
15 at coincident demand method -- where in this  
16 description, what you're relying on for your conclusion  
17 that this is limited an actual peak day usage?

18 A Well, I think the first sentence is referring  
19 to at the time of system peak, that would indicate to  
20 me that it's using actual data.

21 Q So you're relying on the phrase at the end of  
22 that first sentence "at the time of system peak"?

23 A Well, let me finish reading the whole thing.

24 Q Sure.

25 A That would be the main thing I would rely on.

1 Q Okay. And --

2 A I would guess I would also just say based on  
3 my experience that's what's typically used.

4 Q Okay. But just referencing the manual  
5 itself, I understand that you're experience is not  
6 simply just applying the words of the manual, I get  
7 that. But looking at the manual, because that was the  
8 point you were making and it's the point that others  
9 were making in pointing to the illustrative example, I  
10 guess I'm just curious why you believe the term "at the  
11 time of system peak" can only mean actual peak demand  
12 as opposed to, you know, a derived or calculated system  
13 peak based on -- based on sort of a hypothetical  
14 weather scenario?

15 A Again, I guess it's mainly based on my  
16 experience how no forecasts of a particular -- at a  
17 particular time of system peak may look at a period but  
18 not a specific time.

19 Q Okay. I want to move down in this coincident  
20 demand method description to the next to last sentence  
21 there where it's starting with the word "generally"  
22 four lines up from the bottom where it says,  
23 "Generally, interruptible customers would receive no  
24 allocation of demand costs under this formula since  
25 they should be off the system during the peak period."

1           Now, for purposes of Dominion's system,  
2           that's true if you're using design day -- the design  
3           day factor but not true if you're using the actual peak  
4           day factor, right?

5           A       For DEU that has -- at least based on what I  
6           looked at, that would be correct.

7           Q       Okay. Then let's move down to the average  
8           and peak demand method. I'm curious -- I'm happy to  
9           have you read this here. I'm curious why it is you  
10          believe that this description of the application of  
11          this factor is limited to times of historical usage for  
12          the peak rather than a projection of use at a peak in  
13          some future period?

14          A       I guess there's references to the system's  
15          load factor, annual volumetric amounts, and referring  
16          to coincident peaks, same kind of discussion -- similar  
17          discussion to the coincident peak demand.

18          Q       And again, I guess my question here is why  
19          you conclude that the reference to the coincident peak  
20          there means -- or that the NARUC folks that wrote the  
21          manual only means historical usage for the peak instead  
22          of a projection of use in a future period?

23          A       That's my reading of what they have here.  
24          And based on my experience, the use of a coincident  
25          demand method or an average and peak method have all



1       been based on actual peak demands.

2           Q       Are you aware of anywhere in the manual that  
3       talks about the distinction between the actual  
4       historical actual peak and the future projected peak  
5       and applied some term to one or the other?

6           A       I don't recall anything.

7           Q       Okay. I mean, other than the illustrative  
8       example that we get that shows the design day peak,  
9       right? I mean, it is showing a design day peak. It's  
10      not trying to distinguish between those but that is  
11      what that illustrative example is, right?

12          A       Yes, it is -- my understanding it's a design  
13      day peak demand.

14          Q       Okay. I want to shift gears a little bit.

15                 CHAIRMAN LeVAR: Why don't we go ahead and  
16      take a break then if you're moving to another topic.  
17      Why don't we recess until 3:20 on that clock and then  
18      we'll continue.

19                                 (Recess from 3:04 to 3:20.)

20                 CHAIRMAN LeVAR: Okay. We'll go back on the  
21      record and start the transcript.

22                 Mr. Russel, if you want to continue.

23                 MR. RUSSELL: Thank you.

24                 BY MR. RUSSELL:

25           Q       Mr. Daniel, if I could have you turn in your

1 direct testimony to Line 223. That's Page 11. So thus  
2 far we've been talking about the use of design day  
3 versus actual peak day. Now I want to get into how the  
4 average and peak method ought to be used kind of more  
5 broadly, because the design day or actual peak day,  
6 those make up the peak portion of the average and peak,  
7 right?

8 A That's correct.

9 Q And let's talk about how we get to the other  
10 portion of it. There is a discussion in your direct  
11 testimony right around this spot that we've landed on  
12 relating to load factor and some criticisms about how  
13 others use load factor, and I want to read the  
14 definition of load factor that you provide here from  
15 the American Gas Association.

16 You say, "The American Gas Association's  
17 glossary for the gas industry defines load factor as  
18 the ratio of the average requirement to the maximum  
19 requirements for the same time period as one day, one  
20 hour, et cetera." You go on to say, "The key part of  
21 this definition as it relates to this case is that the  
22 numerator, average consumption, and denominator, peak  
23 consumption, in the calculation must be, quote, for the  
24 same time period. The time period that should be used  
25 to determine DEU's system load factor is the test

1 here."

2 So I want to question you a little bit on how  
3 you reached your load factor. My understanding -- and  
4 you can correct me if I'm wrong -- is that the peak  
5 consumption is based off of the actual peak day factor  
6 which is from 2021, correct?

7 A Yes. During the break I did recollect that  
8 2021 data was adjusted for known changes, and it was  
9 normalized for weather, but I believe customer -- for  
10 example, customer migrations after the test year were  
11 one of the known changes that were made. So it's not a  
12 specific historic number, it's adjusted.

13 Q But the actual peak day factor itself is  
14 based off of December -- I believe it's 28th of 2021  
15 system usage, right?

16 A Similar to a lot of the other data in the  
17 application. It's historic data adjusted for known and  
18 measurable changes.

19 Q And the average consumption that you're using  
20 is 2023 data, right?

21 A It's -- my understanding is that it's data  
22 that's adjusted for known and measurable changes.

23 Q Well, it's a projection of the consumption  
24 for each rate class for the test period, the 2023 test  
25 period, right, is the consumption that you used?

1           A       I'm not sure I can answer that. I would have  
2 to go back and verify.

3           Q       Okay. I mean, we can try to do it here. Let  
4 me see if we can get there from your own testimony and  
5 then maybe we'll need to use some of the company's  
6 exhibits.

7                    Can you turn to Lines 248 of your direct  
8 testimony. So this question and answer describes how  
9 you used or how you performed the system load factor,  
10 right?

11          A       Yes.

12          Q       And you rely on the data that's set forth in  
13 DEU Exhibit 4.06, right?

14          A       Yes.

15          Q       Okay. And DEU Exhibit 4.06 was the exhibit  
16 attached to Mr. Summer's direct testimony that set  
17 forth the actual peak day allocation factor, right?

18          A       Yes.

19          Q       And I'm assuming that you don't have that in  
20 front of you?

21          A       I do not.

22          Q       I'm going to bring a binder up to you so that  
23 you'll have it. Give me just a second.

24                    (Tenders.)

25                    If you could in that binder find

1 DEU Exhibit 4.06.

2 A Okay.

3 Q And we're going to need to flip back and  
4 forth between 4.05 and 4.06 because the way that these  
5 were printed actually eliminated some of the context on  
6 4.06 unfortunately. If you had the electronic version,  
7 you would have some additional information.

8 At the bottom -- let's actually go to 4.05 to  
9 start with. So 4.05 has several rows, one of which --  
10 actually two of which represent commodity, right?

11 A Yes.

12 Q And so across the top you have commodity for  
13 the GS class, the FS class, I believe it's also TVF --

14 A And NGV.

15 Q NGV, correct. Thank you.

16 And then there's a bottom sort of set of rows  
17 that also has commodity for the combined TS class and  
18 then the broken out TSS, TSM, and TSL, correct?

19 A Yes.

20 Q Okay. And at the bottom of this exhibit, you  
21 see where it says, Line -- under notes where it says  
22 "Line 3"?

23 A Yes.

24 Q And it says, "Commodity throughput for 2023  
25 by rate class," correct?

1           A     Yes.

2           Q     And it says the same thing under Line 7, so  
3 that all of the commodity numbers we've just looked at  
4 are commodity throughput for 2023 by rate class,  
5 correct?

6           A     That's correct.

7           Q     Okay. Now let's turn to 4.06. The first  
8 page of 4.06 has a very similarly formatted set of  
9 data. It has the same commodity numbers in Line 3 and  
10 Line 7 as we just saw in 4.05, except that 4.06 also  
11 includes commodity numbers for the IS class, the  
12 interruptible service class, right?

13          A     Yes.

14          Q     Okay. So does that help you to recall what  
15 time period your commodity numbers that you use for  
16 your load factor calculation come from?

17          A     Not really. I'm still not sure if the 2023  
18 amounts are 2021 amounts adjusted for known and  
19 measurable changes or if they're based on some  
20 independent forecast that was done. My understanding  
21 was that they were 2021 amounts adjusted for known and  
22 measurable changes.

23          Q     And I guess if that didn't help, then we'll  
24 just move on.

25                 Let's talk a little bit about the -- your

1 recommendations regarding the allocation of LNG plant  
2 costs. If I can summarize -- and you can correct me if  
3 this isn't an accurate summary -- your proposal or your  
4 recommendation is to allocate 25 percent of the costs  
5 of the LNG plant to the transportation customer  
6 classes. And the reason that you give for that is that  
7 since the time that Dominion sought approval for the  
8 LNG plant, there's been customer migration from the  
9 sales classes to the transportation classes.

10 Does that sum up your recommendation?

11 A That's the primary reason.

12 Q Okay. I want to focus a little bit -- let's  
13 have you turn in your direct testimony to Line 372.

14 A Okay.

15 Q And that's -- this is the Q and A that --  
16 essentially I was just summarizing your primary purpose  
17 for making the recommendation. I want to -- I want to  
18 ask you a couple of questions about this because it's  
19 not clear to me why customer migration from the sales  
20 classes to the transportation class should matter for  
21 allocation and plant costs in this context.

22 A Well, the basis for approval of the plant  
23 was -- general service class was -- would have been  
24 larger than what the class is that's going to have to  
25 pay for it, and the reason is a lot of the general

1 service customers migrated to the transportation  
2 classes. From a fairness and equity standpoint, I  
3 think they should pay for part of it.

4 Q But if the transportation classes aren't  
5 going to use the LNG plant, I guess I'm questioning why  
6 it would be fair and equitable to allocate any of the  
7 costs to them. If it -- if we had no migration, is it  
8 your position that we would -- that it would be fine  
9 not to allocate the costs of the LNG plant to TS  
10 customers? Let's start there.

11 A Well, the other reason that I think I  
12 mentioned is that the ability of the transportation  
13 customers to move back to firm service, and that's a  
14 consideration. I don't know that I would have  
15 recommended 25 percent. I haven't thought about your  
16 question, but I might have recommended a lower percent.

17 Q Help me understand that one. If there's the  
18 ability to move back to the firm sales customer,  
19 wouldn't they just be paying for it once they did move  
20 back?

21 So I guess the question is: Why charge the  
22 TS customers for it when they're TS customers? Why not  
23 just charge them for it when they transfer back to  
24 being sales customers?

25 A The basis for your question is assuming there



1 was no migration, is that part of the question?

2 Q No. I was just following up on you had  
3 indicated that there's kind of two reasons that you  
4 were proposing. One was the one I initially focused  
5 on, which was the customer migration. The other is  
6 that there's the opportunity to move it back; is that  
7 accurate?

8 A Yes.

9 Q I was trying to address that second one. So  
10 the fact that customers can move back from the  
11 transportation customer classes to the firm sales  
12 class, I guess my question is: Why allocate any of  
13 that for that reason at all to the transportation  
14 classes and just allocate to the sales classes and it  
15 will get the customers or it would be allocated to  
16 those customers after they moved back?

17 A Yeah, I think my recommendation is based on  
18 both reasons one being the migration being the primary  
19 reason.

20 Q Okay. And is it your understanding that the  
21 costs of the LNG plant will be allocated by volumetric  
22 charges?

23 A Yes.

24 Q Okay. And your focus in some of the  
25 testimony that follows this section that we've just

1       been looking at accounts for the number of customers  
2       that move from the GS class to the TS class. Why do  
3       you think the number of customers is relevant for our  
4       purposes?

5             A       It's just a statistic that I had to use.

6             Q       Would it be a more relevant statistic to use  
7       the volume of sales among the GS and the firm sales  
8       customers to determine whether this migration has been  
9       meaningful?

10            A       That would be a good indication as well  
11       because I believe DEU indicated that it was larger GS  
12       customers that's migrated, so it would be even a bigger  
13       number.

14            Q       Were you here when I -- when Mr. Mendenhall  
15       testified earlier today?

16            A       Yes, I was.

17            Q       I walked through with Mr. Mendenhall a  
18       comparison of the projected sales, annual sales to the  
19       GS and FS class at the time of the 2019 docket that  
20       addressed approval of the LNG plant versus the  
21       projection now.

22                    Do you recall that discussion?

23            A       Yes.

24            Q       And Mr. Mendenhall's testimony will stand on  
25       its own. But my recollection is that he indicated that

1 the projection from 2019 compared to the projection  
2 now, they're pretty close in terms of the number of  
3 volumes of sales to the firm sales customers.

4 Do you recall that?

5 A My recollection was that the current volumes  
6 were a little bit lower than the projection. The  
7 difference would have been even greater if the  
8 customers hadn't migrated.

9 Q Help me understand that one. The difference  
10 would have been greater if there had been no customer  
11 migration?

12 A If the GS customers had not migrated, the  
13 current sales to the transportation would have been  
14 lower.

15 Q Yeah, but would -- the discussion I had with  
16 Mr. Mendenhall was not a comparison of sales to the  
17 transportation class. It was a comparison of sales to  
18 the firm sales customers: One projection for 2022 that  
19 had been done back in 2019 at the time of the LNG  
20 approval and one that's being done now in the context  
21 of this rate case.

22 A Okay. I understand.

23 Q All right. We're on the same page, then.  
24 Your -- you conduct a bit of a comparison for this --  
25 your recommendation relating to the customer migration

1 and you focus on the number of customers from 2017,  
2 right? It was from -- the projection that had been  
3 done in the 2016 rate case for 2017, right?

4 A I believe that's correct, yes.

5 Q Can you tell me why that -- what to you was  
6 the relevant starting spot rather than the 2019 docket  
7 that sought approval of the LNG plant?

8 A I believe that's the first information that I  
9 have on the migration issue that was a problem. I  
10 don't know if there was a large migration before that.

11 Q Do you know what the -- I mean, just to try  
12 to provide a comparison of what you had done, do you  
13 know what the customer migration has been since the  
14 approval of the LNG plant?

15 A No. I think I just indicated the only  
16 information I had was the test year in the prior case  
17 and some testimony in this case that says there has  
18 been additional migrations.

19 Q Okay. I want to talk a little bit about how  
20 you're proposing to allocate these costs to the TS  
21 customers. Do you want to just describe that for me so  
22 I don't mess it up.

23 A Yes. It's allocating 25 percent of the -- I  
24 believe it's 25 percent of the volumes -- I'd have to  
25 go refresh my memory, but of the volumes that were

1 migrated.

2 Q Okay. So we -- as we indicated, the company  
3 is seeking to collect the costs of the plant through a  
4 volumetric factor from the sales class. Is that how  
5 you would propose that the 25 percent of the cost that  
6 you're proposing be allocated to the transportation  
7 customers be collected, through some sort of volumetric  
8 charge?

9 A Yes.

10 Q Okay. It's not charged on the gas, it's  
11 volumetric for the distribution on gas assets at issue  
12 here. Again, your recommendation is based on migration  
13 of the large GS customers to the TS class.

14 Where, in your view, would those GS customers  
15 have landed assuming that we've got -- assuming that  
16 the Commission approves the split up of the TS class;  
17 would you expect them to be in the TS small, the TS  
18 medium, or the TS large?

19 A I don't have any information to give you an  
20 answer.

21 Q Okay.

22 A Or I'm not aware of any information.

23 Q Does your recommendation distinguish between  
24 those three subclasses or three new classes if they are  
25 adopted that way in terms of where you would recommend

1 the costs be allocated?

2 A It does not.

3 Q So you would allocate 25 percent to TS  
4 customers regardless of where they end up on that  
5 split?

6 A Not knowing where they ended up, yes, that's  
7 what I've been --

8 Q And because we're using this sort of  
9 volumetric application, wouldn't that result in -- you  
10 know, for the large part, wouldn't that result in the  
11 TSL customers paying for most of the portion of that  
12 25 percent that you're allocating to the TS class?

13 A I believe they're the largest customer based  
14 on volumes, yes.

15 Q Okay. And do you know whether it's more  
16 likely that customers that migrated from the GS class  
17 to the TS class would be segregated into that TS large  
18 than they would be segregated into TS small or TS  
19 medium?

20 A I believe I previously indicated that I don't  
21 have any information as to where they migrated to.

22 Q Okay.

23 MR. RUSSELL: That's all I have. Thank you,  
24 sir.

25 CHAIRMAN LeVAR: Thank you, Mr. Russell.

1 Mr. Moore, any redirect?

2 MR. MOORE: A couple questions.

3 EXAMINATION

4 BY MR. MOORE:

5 Q Mr. Daniels, can I have you look back to  
6 UAE Exhibit No. 3, the gas distribution design rate  
7 manual. As you're getting that, I'd just like to  
8 mention -- ask you: This manual, it was published in  
9 June 1989; isn't that correct?

10 A Yes, that's correct.

11 Q Now, turning to Page 27 of that exhibit --

12 A Okay.

13 Q -- you were asked some questions about  
14 whether the coincidence demand referred to design  
15 peak -- design day demand or actual peak demand. And  
16 Mr. Russell had you read a sentence, and I'm going to  
17 read it again to you and then we're going to talk about  
18 it.

19 This is the second sentence from the last  
20 under Paragraph B: "Generally" -- and I'm going to hit  
21 that again because it's important, "Generally,  
22 interruptible customers receive no allocation of demand  
23 costs under this formula since they should be off the  
24 system during peak demand period."

25 Is it your understanding under DEU's design

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1 day formulation that interruptible customers would  
2 necessarily be off the system under how they calculate  
3 demand day?

4 A Yes, that's my -- my understanding is that  
5 they would not be included in the design day demand.

6 Q Now, generally on a peak day, on an actual  
7 peak day demand, it is possible for interruptible  
8 customers to be off the system or on the system; isn't  
9 that correct?

10 A Yes, I believe the word "generally" would  
11 indicate that.

12 Q And is it your understanding -- does that  
13 give you any indication or does that support your  
14 contention that the term "coincident peak demand"  
15 refers to actual peak demand?

16 A Yes, it does. It indicates that since  
17 interruptible customers could be on peak in some  
18 instances that it's referring to actual peak demands.

19 Q Are you aware if the DEU design day had  
20 actually ever occurred in reality?

21 A I don't believe it has.

22 Q Now, you were questioned about the  
23 reliability of a computation based on 2021 data  
24 adjusted for known and measurable damages, including  
25 weatherization and customer usage. Do you think that



1 is a more realistic number than a number that doesn't  
2 exist in reality?

3 Let me say that again.

4 Referring to conditions that existed in 2021,  
5 adjusted for weather, customer migration, known and  
6 measurable damages, that's what you used, correct?

7 A Known and measurable changes, but yes.

8 Q Sorry. And the other choice is a design day  
9 that has never occurred at all; isn't that correct?

10 A That's correct.

11 Q Do you think that your approach, given that  
12 fact, is more reliable than the hypothetical approach  
13 of the DEU demand day?

14 A Yes, I believe the 2021 data adjusted for  
15 known and measurable changes in the future is the  
16 better representation.

17 MR. MOORE: Thank you. I have no further  
18 questions.

19 CHAIRMAN LeVAR: Thank you.

20 Could I get an indication of who has recross  
21 just so I can figure out which order to go?

22 Mr. Russell, you have recross.

23 MR. RUSSELL: I actually don't, but I  
24 realized that I forgot to move for the admission of UAE  
25 Cross Exhibit 3, so I make that motion now.

1 CHAIRMAN LeVAR: If anyone objects to that  
2 motion, please indicate your objection.

3 I'm not seeing any, so the motion is granted.

4 (UAE CROSS EXHIBIT 3 WAS  
5 ADMITTED.)

6 CHAIRMAN LeVAR: So then I'll go back, please  
7 indicate if you intend to have recross.

8 Ms. Nelson Clark does. Does anyone else?

9 Go ahead.

10 EXAMINATION

11 BY MS. NELSON CLARK:

12 Q I wonder if you could turn in the binder in  
13 front of you to Mr. Summers' testimony, DEU  
14 Exhibit 4.0 --

15 MR. MOORE: Objection, this is beyond the  
16 scope of redirect.

17 MS. NELSON CLARK: Perhaps I --

18 CHAIRMAN LeVAR: I haven't heard the question  
19 yet, so I'm not ready to rule on the objection. Why  
20 don't we see what the question is, and let's wait and  
21 see if he wants to restate his objection.

22 BY MS. NELSON CLARK:

23 Q Sure. Let me know when you're there.

24 A I'm there.

25 Q So you had a dialogue just a little bit ago

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1 about the migration of customers from the general  
2 service class to the TS class. Do you remember that  
3 dialogue you had?

4 A Yes.

5 Q I'd like you to look at Line 87 on Page 4 at  
6 that table. Do you see it?

7 A Not yet.

8 Okay.

9 Q In looking at that table, from the time the  
10 LNG facility was approved in 2019 until now, how would  
11 you characterize the migration?

12 MR. MOORE: I would like to restate my  
13 objection. The redirect did not involve the LNG  
14 facility.

15 CHAIRMAN LeVAR: That's my recollection also  
16 of your redirect. I think you focused on design day  
17 and peak day. Do you remember the redirect any  
18 differently?

19 MS. NELSON CLARK: No, I don't remember it  
20 differently.

21 CHAIRMAN LeVAR: Okay. Do you have any other  
22 recross?

23 MS. NELSON CLARK: I do.

24 BY MS. NELSON CLARK:

25 Q One more goes to the temperature that you

1 were discussing with Mr. Moore, the -- I believe he  
2 characterized it as a hypothetical temperature. Do you  
3 remember that dialogue?

4 A I don't remember the reference to  
5 temperature. I think he was --

6 Q The design day.

7 A The hypothetical design day.

8 Q Design day. And I believe -- and correct me  
9 if I'm misstating this, but I believe that you had a  
10 dialogue about actual usage versus hypothetical usage  
11 on a design day, something that has never happened I  
12 believe is how he characterized it.

13 A I believe the question was that he asked me  
14 if a design day demand has ever occurred, and I think  
15 my answer was I do not believe so.

16 Q Would it surprise you to know that it  
17 occurred as recently as 1990?

18 A It would be a surprise.

19 MS. NELSON CLARK: I have nothing further.

20 CHAIRMAN LeVAR: Thank you.

21 Commissioner Clark, do you have any questions  
22 for Mr. Daniel?

23 COMMISSIONER CLARK: No questions. Thank  
24 you.

25 CHAIRMAN LeVAR: Commissioner Allen?

1 COMMISSIONER ALLEN: Also no questions.  
2 Thanks.

3 EXAMINATION

4 BY CHAIRMAN LeVAR:

5 Q I think I have one, so -- and tell me if I'm  
6 misunderstanding the premise of your positions. It  
7 seems to me you're arguing that costs for the LNG  
8 facility should be paid by the customers that it was  
9 designed to be built for prior to their migration.

10 Do you view that as a similar justification  
11 for Dominion's reasons for preferring a design day to a  
12 peak day?

13 A No. That's not exactly what I'm doing for  
14 the LNG. I'm saying that that's part of it, that we're  
15 designed -- or that LNG was approved because of the  
16 customer base, the GS customer base at that time, and  
17 that a large number of those customers have sense  
18 migrated. So I'm not allocating cost a hundred percent  
19 for volume, but a 25 percent as a fairness and equity  
20 adjustment.

21 Q Thank you. I appreciate that answer and  
22 thank you for your testimony this afternoon.

23 A Thank you.

24 CHAIRMAN LeVAR: Mr. Russell, could we go to  
25 you next?

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1 MR. RUSSELL: I think we had an agreement  
2 that we were going to do all of the out-of-town  
3 witnesses, and all the remaining witnesses except mine  
4 are from out of town. So I sort of expect my witness  
5 to go last, so -- in an effort to try to get --  
6 accommodate the out-of-town witnesses, I think we  
7 probably should do somebody else's.

8 CHAIRMAN LeVAR: Okay. Major Buchanan, are  
9 we ready to go to you?

10 MR. COOK: We talked during the break, would  
11 it be all right if we went next?

12 CHAIRMAN LeVAR: Absolutely. We should have  
13 led with that.

14 MR. COOK: Sorry, about that.

15 Nucor Steel Utah would like to call Bradley  
16 Mullins.

17 CHAIRMAN LeVAR: Good afternoon, Mr. Mullins.

18 THE WITNESS: Good afternoon.

19 CHAIRMAN LeVAR: Do you swear to tell the  
20 truth?

21 THE WITNESS: I do.

22 CHAIRMAN LeVAR: Thank you.

23 BRADLEY G. MULLINS,  
24 called as a witness, was examined and testified as  
25 follows:

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EXAMINATION

BY MR. COOK:

Q Mr. Mullins, can you state your full name and business address for the record.

A It's Bradley Mullins. My business address is Looming (phonetic) TM 13, Oulu, Finland.

Q And are you a principal consultant at MW Analytic?

A I am.

Q And did you submit testimony in this proceeding?

A I did.

Q And did that testimony include Nucor Exhibit 1.0, Phase II Direct Testimony of Bradley G. Mullins; Nucor Exhibit 2.0, Phase 2 Rebuttal Testimony of Bradley G. Mullins; Nucor Exhibit 3.0, Phase III Surrebuttal Testimony of Bradley G. Mullins; and related exhibits, Nucor Exhibit 1.1 through 1.3, and Nucor Exhibit 3.1 through 3.2?

A It did.

Q Do you adopt that testimony as your testimony today?

A I do.

MR. COOK: I would like to move to admit

1 Nucor's testimony and related exhibits.

2 CHAIRMAN LeVAR: Please indicate if anyone  
3 objects to the motion.

4 I'm not seeing any objection, so it's  
5 granted.

6 (NUCOR 1.0, 2.0, 3.0, 1.1, 1.3  
7 3.1, 3.2 WERE ADMITTED.)

8  
9  
10 BY MR. COOK:

11 Q Mr. Mullins, have you prepared a summary?

12 A I have.

13 Q Can you provide that summary?

14 A Good afternoon, Chair LeVar, Commissioners  
15 Clark and Allen, I appreciate the chance to be here  
16 today on behalf of Nucor Steel Utah.

17 So in this proceeding, the Commission is  
18 presented with a wide range of costs of service study  
19 outcomes. And in considering these outcomes, I think  
20 it's important to recognize that the general service,  
21 or GS class, makes up about 90 percent of Dominion's  
22 revenues.

23 And so accordingly, a very small change to  
24 the costs allocated to the GS class results in a  
25 disproportionately large change to the other classes,



1 and that's the primary reason why the different study  
2 assumptions are producing such dramatically different  
3 results.

4 And so considering those results and the  
5 range of outcomes, I recommend a more narrow rate  
6 spread, one that gives the GS customers an average rate  
7 increase, and that applies a cap to remaining customers  
8 equal to 1.5 times the average system increase. And  
9 this approach may be applied regardless of the cost of  
10 service assumptions that the Commission finds to be  
11 reasonable.

12 With respect to the proposal to split the TS  
13 class, it's important to consider the way that the  
14 overall rate structure for Dominion has been developed  
15 over the years, including the relationships between  
16 small customers in the TS class and the structure of  
17 the GS class and FS, firm service classes.

18 Accordingly, I recommend that the Commission  
19 decline to split the TS class, and I also recommend  
20 that the Commission adopt a balanced transportation  
21 service rate design based on an equal percentage  
22 increase to volumetric rates and demand charges. And I  
23 recommend that sort of structure I think be applied  
24 regardless of the -- how the class is composed, whether  
25 it's split or not.

1           But it's important to recognize that in the  
2 event that it's not split under Dominion's proposed  
3 rate design, it still resulted in dramatic increases to  
4 a small subset of large volume customers.

5           And finally, with respect to the  
6 cost-of-service study, I continue to -- or I recommend  
7 that core distribution costs be allocated based on  
8 design day demand and that the peak and average method  
9 be rejected. Design day demand is the way that the  
10 system has been built and, accordingly, is the most  
11 appropriate factor to use for core distribution costs.

12           In addition, I also recommend that both  
13 distribution and general plant depreciation expenses be  
14 allocated by FERC account and in a manner that's  
15 consistent with the underlying plant. While Dominion  
16 didn't adopt that particular recommendation in their  
17 rebuttal, they found it to be reasonable.

18           With that, that concludes my summary and I  
19 look forward to questions from the Commission and  
20 parties.

21           Q     Thank you, Mr. Mullins.

22           MR. COOK: Mr. Mullins is available for  
23 cross-examination and questions from the Commission.

24           CHAIRMAN LeVAR: Thank you. I think I'm  
25 going to go to Mr. Russell first.

1 Do you have any questions for Mr. Mullins?

2 MR. RUSSELL: I do not. Thank you.

3 CHAIRMAN LeVAR: Major Buchanan, do you have  
4 any questions for him?

5 MS. BUCHANAN: No questions.

6 CHAIRMAN LeVAR: Mr. Nelson.

7 MR. NELSON: Yes, thank you.

8 EXAMINATION

9 BY MR. NELSON:

10 Q Good afternoon, Mr. Mullins.

11 A Good afternoon.

12 Q Just some general policy questions for you  
13 today. Would you agree with me that it is a reasonable  
14 position for a utility commission to take that rates  
15 for utility service should move over time towards cost  
16 of service?

17 A I think there's probably many factors that  
18 can be considered in setting a rate design. I think  
19 cost of service studies are one factor. And in this  
20 case, I think there are divergent opinions on what a  
21 reasonable cost study is. But I think, generally  
22 speaking, the -- I think this Commission's practice has  
23 been to use the cost of service as a guide for rate  
24 spread.

25 Q And do you think that's unreasonable to use

1 the cost of service as a guide for revenue and cost  
2 allocation?

3 A I think it's the same answer as before. I  
4 think the Commission has historically used the cost  
5 study as a guide for rate spread.

6 Q Sure. I appreciate that's what the  
7 Commission has done. I'm asking: In your opinion, do  
8 you think that is an unreasonable history?

9 A No, I don't. I don't.

10 Q And then, secondly, do you think it is a  
11 reasonable commission policy, though, to, over time,  
12 set utility rates so as to minimize and/or eliminate,  
13 if possible, intra- and inter-class subsidies?

14 A I agree that, you know, some inter-class  
15 subsidies should be avoided, but there are some cases  
16 where they are, you know, necessary or unavoidable.  
17 There are circumstances even in this case -- if you  
18 look at, you know, the Lake Side contract, for example,  
19 or the transportation bypass rate, there are explicit  
20 subsidies being built into those rates. And there also  
21 are other factors to consider, such as incentives that  
22 are provided to customers.

23 One thing that I pointed out in my  
24 surrebuttal testimony is that giving a lower rate to  
25 small transportation customers and a higher rate for --

1 under general service may provide an improper incentive  
2 for those customers to migrate to transportation  
3 service.

4 So I think the answer to your question is,  
5 yes, in some circumstances, but not all.

6 Q So I need to go back and figure out what that  
7 yes is. Just to be clear, are you saying that, yes, in  
8 general, it is good to have a policy to avoid or  
9 moderate subsidies, but there may be instances when  
10 subsidies may be appropriate for at least some period  
11 of time? Am I restating your testimony correctly?

12 A Yeah. I probably wouldn't quibble over words  
13 on that.

14 Q That's what we do professionally.

15 MR. NELSON: Thank you, Mr. Mullins. I have  
16 no further questions.

17 CHAIRMAN LeVAR: Thank you, Mr. Nelson.

18 Mr. Mecham.

19 MR. MECHAM: Just one quick one.

20 EXAMINATION

21 BY MR. MECHAM:

22 Q Mr. Mullins, is your determination that there  
23 is no subsidy or little subsidy between the large  
24 customers, large transportation customers and the small  
25 transportation customers, based solely or primarily on

1 the fact of your 100 percent design allocation  
2 proposal?

3 A Yeah. My testimony is that based on my  
4 cost-of-service study, there was no subsidy between  
5 large and small customers in the TS class, correct.

6 Q Dependent on the Commission determining that  
7 a hundred percent design days is the way they should  
8 go?

9 A Well, that's certainly my recommendation, but  
10 I recognize there are many ways to construct a  
11 cost-of-service study and there's probably no one  
12 correct method.

13 MR. MECHAM: Thank you. That's all.

14 CHAIRMAN LeVAR: Thank you, Mr. Mecham.

15 Mr. Moore, I'll go to you next.

16 ATTORNEY4: No questions. Thank you.

17 CHAIRMAN LeVAR: Thank you.

18 Ms. Schmid?

19 MS. SCHMID: Just a few.

20 EXAMINATION

21 BY MS. SCHMID:

22 Q Good afternoon.

23 A Good afternoon.

24 Q In your direct testimony you state that you  
25 worked for PacifiCorp performing power cost modeling.

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1 And in Nucor Direct Exhibit 1.1, the exhibit states  
2 that "At PacifiCorp, Brad was responsible for preparing  
3 power cost forecasts and supporting testimony for  
4 regulatory filings, preparing annual power cost  
5 deferral filings, and developing qualifying  
6 facility-avoided cost calculations."

7 Does that sound about right?

8 A That sounds right.

9 Q When working for PacifiCorp as described  
10 above, did you see that PacifiCorp included the volumes  
11 from its special contracts in its system volumes for  
12 allocation purposes, assigning each special contract a  
13 letter to hide the identity of the special contract  
14 customer?

15 A I don't necessarily recall that from my time  
16 at PacifiCorp, although I have reviewed a number of  
17 their cases and they do typically include special  
18 contracts as a separate column in their cost study. I  
19 think it's kind of important to understand there's  
20 multiple ways to present a special contract in a cost  
21 study, and what -- at least in my view, what Dominion  
22 has done is not wrong. It's just a different way to  
23 present it.

24 So one way that you can present it is you can  
25 give it a separate column with its own set of

1 allocation factors and allocate the revenues and costs  
2 in a separate column. But the other way to do it,  
3 which is what Dominion has done, is to take the  
4 revenues from that special contract and allocate that  
5 out separately to the individual -- other individual  
6 customer classes.

7 So either way that it's done, it sums to  
8 zero. However, if it is presented in a separate  
9 column, that does provide more information about  
10 whether a special contract -- or the degree to which it  
11 is paying its full cost of service.

12 MS. SCHMID: I have no more questions. Thank  
13 you.

14 CHAIRMAN LeVAR: Thank you.

15 Mr. Nelson Clark or Mr. Sabin?

16 MR. SABIN: I think our questions got asked.  
17 Thank you.

18 CHAIRMAN LeVAR: Thank you.

19 Mr. Cook, any redirect?

20 MR. COOK: No.

21 CHAIRMAN LeVAR: Commissioner Allen?

22 COMMISSIONER ALLEN: No questions.

23 CHAIRMAN LeVAR: Commissioner Clark?

24 COMMISSIONER CLARK: No questions. Thank  
25 you.



1           CHAIRMAN LeVAR: I don't either. Thank you  
2 for your testimony this afternoon.

3           THE WITNESS: Thank you.

4           CHAIRMAN LeVAR: I'll let you all tell me who  
5 is next.

6           MS. BUCHANAN: I will be going next -- I  
7 should say, I apologize, FEA's witness, Brian Collins,  
8 will be next.

9           CHAIRMAN LeVAR: Thank you.

10          Good afternoon, Mr. Collins.

11          THE WITNESS: Good afternoon.

12          CHAIRMAN LeVAR: Do you swear to tell the  
13 truth?

14          THE WITNESS: I do.

15          CHAIRMAN LeVAR: Thank you.

16

17                    BRIAN C. COLLINS,  
18 called as a witness, being first duly sworn, was  
19 examined and testified as follows:

20

21                            EXAMINATION

22 BY MAJOR BUCHANAN:

23           Q        Good afternoon, Mr. Collins. Can you please  
24 state your full name for the record.

25           A        Brian C. Collins.

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1 Q Where are you employed?

2 A I am employed with Brubaker & Associates,  
3 Incorporated in Chesterfield, Missouri.

4 Q Have you filed testimony in this proceeding?

5 A I have.

6 Q Did you provide direct testimony marked as  
7 FEA Exhibit 2.0, rebuttal testimony marked as  
8 FEA Exhibit 4.0, and surrebuttal testimony marked as  
9 FEA Exhibit 5.0, with the attached FEA Exhibit 5.01?

10 A Yes.

11 Q Do you have any corrections or additions to  
12 that testimony?

13 A I do not.

14 Q If I were to ask you the same questions  
15 present in your prefiled testimony, would your answers  
16 today be the same as those contained in your testimony?

17 A Yes, they would.

18 MAJOR BUCHANAN: I would like to move for  
19 admission of FEA Exhibits 2.0, 4.0, 5.0, and the  
20 attached Exhibit 5.01.

21 CHAIRMAN LeVAR: Thank you.

22 Please indicate if anyone objects to that  
23 motion.

24 I'm not seeing any objection, so it's  
25 granted. Thank you.

1 (FEA 2.0, 4.0, 5.0 5.01 WERE  
2 ADMITTED.)

3 BY MAJOR BUCHANAN:

4 Q Mr. Collins, can you please provide a summary  
5 of your testimony?

6 A Certainly. I have prepared a brief summary  
7 of my testimony, conclusions, and recommendations. In  
8 my testimony I propose certain adjustments to the  
9 company's class cost-of-service study. I propose to  
10 use the design day demand allocator to allocate the  
11 costs of large diameter mains, feeder mains, and the  
12 costs of compressors and regulators to customer  
13 classes. Because design day demand reflects how the  
14 company designs a system and best reflects class cost  
15 causation, my adjustments are appropriate.

16 I also recommend that my proposed class  
17 revenue allocation be used to determine class revenue  
18 responsibility. This is appropriate because my  
19 proposed class revenue allocation is guided by my  
20 adjustments to the company's class cost-of-service  
21 study. With these adjustments, the class  
22 cost-of-service study better reflects class cost  
23 causation with respect to the allocation of main costs  
24 as compared to the company's class cost-of-service  
25 study.

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1           Unless the cost allocation of mains is  
2 corrected in the company's cost study, I recommend the  
3 company's proposed split of the TS class into  
4 subclasses be rejected. Unless the company's class  
5 cost-of-service study reflects appropriate cost-based  
6 allocations of all main costs, the subsidy paid by the  
7 TSL, or the large transportation class, will continue.

8           As a result, I recommend the company's  
9 proposed TS class split be rejected and the Commission  
10 accepts the company's peak and average allocation of  
11 mains in the company's class cost-of-service study.

12           Regarding the company's proposal for renewal  
13 of the infrastructure rate adjustment tracker  
14 mechanism, I propose that the tracker be modified to  
15 track changes in total net plant investment in mains  
16 and should not track only incremental investments. The  
17 tracker formula should account for not only incremental  
18 rate base resulting from investments made under the  
19 rider, but should also account for the change in legacy  
20 net rate base in determining the surcharge rate.

21           And that concludes my summary.

22           MS. BUCHANAN: Mr. Collins is now available  
23 for cross-examination questions and question from the  
24 commission.

25           CHAIRMAN LeVAR: Thank you.

1 I think I'm going to go to Mr. Cook first.  
2 Do you have any question for Mr. Collins?

3 MR. COOK: No questions.

4 CHAIRMAN LeVAR: Mr. Nelson?

5 MR. NELSON: Yes, thank you.

6 EXAMINATION

7 BY MR. NELSON:

8 Q Good afternoon, Mr. Collins.

9 A Good afternoon, Mr. Nelson.

10 Q Could I please ask you to turn to your direct  
11 testimony -- yes, direct testimony, which is  
12 Exhibit FEA 2.0. Do you have that in front of you,  
13 sir?

14 A I do.

15 Q And could I ask you specifically to, please,  
16 refer to Page 5, and let me know when you're there.

17 A I am there.

18 Q At the top of Page 5 you ask yourself the  
19 question: "Should a class's rates always be moved to  
20 full cost of service based on the results of the  
21 utility's CCOS study."

22 Do you see that, sir?

23 A I do.

24 Q And CCOS means class cost of service; is that  
25 correct?

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1 A That's correct.

2 Q All right. And your answer there starting at  
3 Line 3, you state first, "To the extent possible, a  
4 utility's rates for its classes should be based on each  
5 class's respective cost of service."

6 Do you see that?

7 A I do.

8 Q Why do you believe that should be -- why do  
9 you believe that statement?

10 A Well, it would result in classes paying their  
11 cost of service, which I think would be a fair  
12 treatment of customers.

13 Q In that context does each class paying its  
14 cost of service, does that help avoid intra- and  
15 inter-class subsidies?

16 A It does.

17 Q Is that a good thing?

18 A That is a good thing.

19 Q And why?

20 A Because it prevents some customers that are  
21 providing the subsidy from overpaying in the rates that  
22 they are charged by the utility.

23 Q You then go on to say that, "However, in  
24 instances where a full movement to cost of service for  
25 a utility's rates would cause rate shock for a

1 particular customer or class or classes, gradualism can  
2 be used to mitigate the impacts on customer classes and  
3 avoid rate shock."

4 Do you see that, sir?

5 A I do.

6 Q In your experience and in your understanding,  
7 how would you define the word "rate shock"?

8 A That really depends on the circumstance in a  
9 particular rate case. I would consider the increases  
10 that the large transportation customers are seeing in  
11 this rate case, rate shock.

12 Q Well, let's just be generic. I don't mean to  
13 be tricky here. But could we think of rate shock as an  
14 unreasonably large one-time increase in rates that  
15 might shock the customers who are expected to pay that  
16 large increase?

17 A I would agree with that.

18 Q And you suggested that one tool to avoid rate  
19 shock is a principle that you call gradualism.

20 Do you see that, sir?

21 A Yes, I do.

22 Q I take it by gradualism you are meaning a  
23 slow but perhaps steady change in rates to go from  
24 wherever they are currently to wherever the Commission  
25 believes they ought to be perhaps based on cost of

1 service; is that fair?

2 A That's fair.

3 Q Do I take all of that to mean that although  
4 in this particular case you would encourage the  
5 Commission to be mindful of the potential for rate  
6 shock, that you would acknowledge that the gradualism  
7 tool to mitigate rate shock is not a forever thing but  
8 rather something you want to do so that in time you get  
9 back to your first principle that you have there on  
10 Line 3, that class's costs are based on their cost of  
11 service; is that fair?

12 A That is fair.

13 MR. NELSON: Thank you. I have no further  
14 questions.

15 CHAIRMAN LeVAR: Thank you.

16 I'll go to Mr. Russell next. Do you have any  
17 questions for Mr. Collins?

18 MR. RUSSELL: I do not. Thank you.

19 CHAIRMAN LeVAR: Thank you.

20 Mr. Mecham?

21 MR. MECHAM: Nor do I.

22 CHAIRMAN LeVAR: Mr. Moore?

23 MR. MOORE: No questions. Thank you.

24 CHAIRMAN LeVAR: Ms. Schmid?

25 MS. SCHMID: No questions. Thank you.



1                   CHAIRMAN LeVAR: Ms. Nelson Clark or  
2 Mr. Sabin.

3                   MR. SABIN: We do have a few questions.

4                                   EXAMINATION

5 BY MR. SABIN:

6           Q     Mr. Collins, I'm going to -- my questions  
7 will just focus on one issue and that's on your  
8 recommendation about the tracker.

9           A     Okay.

10          Q     And so if you could have your direct and your  
11 surrebuttal testimony in front of you or available,  
12 I'll refer to that a couple of times. Okay?

13          A     Okay.

14          Q     Before doing that, I want to maybe just lay  
15 some groundwork on a couple of general principles that  
16 will help speed things along hopefully. Do you agree  
17 that when a utility makes capital improvements or  
18 capital investments that it is entitled to a recovery  
19 on and a recovery of that investment?

20          A     I agree.

21          Q     Okay. Second, your position, as I understand  
22 it in this case, is that the net plant balance -- and  
23 that's a term I'll come back to, but the net plant  
24 balance for high pressure lines that are not subject to  
25 the tracker, in other words, just the ones that are

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1 not -- they go beyond the cap and they're not -- they  
2 have to be recovered in base rates, that that should be  
3 synchronized with the increased net plant investment in  
4 the tracker?

5 A That's a fair statement, yes.

6 Q And I want to define what we mean by net  
7 plant before we go on. My understanding of net plant  
8 would be total capital investment minus net  
9 depreciation. Would you agree with that, that  
10 that's -- that's how I understand you using it, but I  
11 want to make sure we're on the same page.

12 A Yes. I would define it as gross plant -- it  
13 would be gross plant service minus cumulative  
14 appreciation, and that would give you a rate base.

15 Q Okay. So with that understanding out there  
16 let's talk about your proposal, and then I've got some  
17 questions about that.

18 So if you could turn in your direct  
19 testimony -- I'm going to take you down to Page 34, and  
20 I'll just ask you if this correctly -- if I've  
21 correctly identified what your proposal is.

22 As I understand what you're proposing, you're  
23 saying that we take the depreciation -- accumulated  
24 depreciation from base -- that is in the base rate case  
25 here, which I think is about \$49 million, is the

1 number, and as I understand it, you're saying you  
2 should take that number and you should use it to offset  
3 the capital that is being recovered through the  
4 tracker?

5 A I think I would have maybe a different  
6 explanation.

7 Q Please go ahead. Please go ahead.

8 A Sure. So when the company's base rates are  
9 set, there is an amount of depreciation expense that is  
10 included in base rates. And in between base rate  
11 cases, that depreciation expense normally attributes to  
12 the accumulated depreciation reserve.

13 So what my proposal is, is when we look at  
14 the incremental investment that will be recovered from  
15 the tracker, since depreciation expense built in to  
16 base rates is a source of funds for the company to make  
17 the investments, that depreciation expense should be  
18 used as an offset -- the return would be applied to the  
19 depreciation expense or the increase in the accumulated  
20 depreciation reserve as an offset to the revenue  
21 requirement collected by the tracker surcharge rate.

22 Q Let's use real numbers if we can, okay. My  
23 understanding is, taking what you've just said, you're  
24 saying that there is an amount of depreciation --  
25 accumulated depreciation that is in the base rates

1 here, and that's the \$49 million number, right? You're  
2 saying you should take that number and you should use  
3 it to credit it against the amount being recovered  
4 through the tracker; is that correct?

5 A Well, I think the -- if you could point me,  
6 Mr. Sabin, to the depreciation number that you're  
7 referring to. Do you have a -- a source for that?

8 Q I think it's actually \$48,287,730. That  
9 comes from Mr. Stevenson's data. I believe that's the  
10 correct number that you and Mr. Mendenhall use -- you  
11 round up or round down, but I think that's the correct  
12 number.

13 It appears in your -- I think this is your  
14 direct testimony, on Page 18 between Lines 6 and 9 --  
15 or is it your surrebuttal? Excuse me, it's your  
16 surrebuttal.

17 A Surrebuttal page...

18 Q Page 18, Lines 5 through 8. If you look at  
19 that section.

20 A Surrebuttal Page 18.

21 Q That's the number he uses, and I don't  
22 understand that you're disputing that that's the  
23 correct number?

24 A You said 48.3 million?

25 Q Right. I rounded up -- I rounded up to 49,

1 but 48.3.

2 A Yeah. 48.3 million is the actual projected  
3 depreciation expense for mains in 2023, so that would  
4 be the addition to accumulated deprecation reserve,  
5 which is then used to offset gross plant service to  
6 arrive at rate base.

7 Q But that's the number you're using to reduce  
8 the tracker, correct?

9 A Correct, because between rate cases, the  
10 depreciation expense --

11 Q We'll get to that. We'll get to that. I  
12 just want to make sure we're on the same page on the  
13 number, right? That's where you're getting it from is  
14 that that's the amount that's included in the 2023 test  
15 period for this case for the depreciation, right?

16 A For depreciation expense, correct.

17 Q Now, let's go to your -- while you're in your  
18 surrebuttal, I want to have you look there at those  
19 lines 5 through 8, and here you -- the question you ask  
20 is why is it appropriate to reduce the IRAT or the  
21 tracker formula calculation by 4.8 million when  
22 determining the IRAT rate.

23 Would you read your answer on lines 6 through  
24 just that first word of 9.

25 A Six through nine?

1 Q Yes.

2 A The mains net plant balance included in the  
3 customer rates will decline by 48.3 million using  
4 Mr. Mendenhall's example. Therefore, if rates were  
5 reset after 2023, the net plant balance for the mains  
6 account would be \$48.3 million less.

7 Q And that is the basis for your proposal, is  
8 it not, that by including \$48.3 million in depreciation  
9 expense in base rates here, when we come to 2024 there  
10 will be -- that net plant balance will be reduced by  
11 \$48.3 million, right?

12 A Correct.

13 Q Now, that assumes, does it not, that there  
14 isn't any further additions to the capital account  
15 between 2023 and 2024?

16 A Are you saying --

17 Q Isn't that correct? You're assuming that the  
18 capital account will go down by \$48.3 million, but that  
19 has to assume that there's no other changes between  
20 2023 and 2024 in that capital account?

21 A I believe that's correct.

22 Q So Mr. Mendenhall, in his testimony  
23 responding to you on this issue, pointed out that the  
24 company has currently planned over \$200 million worth  
25 of investments that will be put in over the next number

1 of years.

2 So if we take -- your proposal does not take  
3 into account and would not reflect the company's  
4 investment in those -- in that capital -- in that  
5 capital investment between 2023, '24, '25, until the  
6 next rate case, right?

7 A And would that investment be just for account  
8 376, the mains.

9 Q It's for mains, yes.

10 A Okay. I would agree.

11 Q Okay. I'm going to hand you out -- we're  
12 going to -- I'm going to have Mr. Mendenhall hand some  
13 exhibits out. Before I do that, I just want to maybe  
14 do one more piece of groundwork laying here.

15 The phenomenon you're talking about here,  
16 isn't it true that that phenomenon has nothing  
17 whatsoever to do with the tracker, it's just a  
18 phenomenon that is -- it exists because in general rate  
19 cases, the capital account will change from year to  
20 year between rate cases?

21 A I would agree.

22 Q So if we -- if we assume for the sake of my  
23 hypothetical that there is no tracker, okay, that we  
24 just don't have that in existence. We're just doing a  
25 normal rate case in 2023 -- or 2022 and then we do

1 another rate case three years later, right? Do you  
2 follow my hypothetical?

3 A I follow you.

4 Q So, Mr. Collins, in that world where there is  
5 just rate cases but no tracker, you're going to take  
6 and set your depreciation expense in the rate case in  
7 2022, and that will continue to be the amount that will  
8 happen -- that will be collected every year until the  
9 next rate case, correct?

10 A That's correct.

11 Q And that's because we set it in a test  
12 period?

13 A That's correct.

14 Q And that means that if the company invests in  
15 2023 or 2024, it does not immediately get to collect  
16 that amount, and whether the cap account is going up or  
17 down, customers are paying the same rate until the next  
18 rate case?

19 A Yes, to the extent that the investments are  
20 greater than the depreciation expense included in base  
21 rates, they would not recover that amount.

22 Q Okay. So it's true, isn't it, that what  
23 you're proposing has nothing whatsoever to do with the  
24 tracker. The tracker is not causing this and this is  
25 not a problem that isn't already recognized by virtue



1 of the fact that we have a delay between rate cases  
2 when costs go up and costs do down, depreciation goes  
3 up and it goes down just year to year?

4 A I would say that it's not caused by the  
5 tracker, but my proposal tries to get the tracker more  
6 accurate in terms of cost paid by customers.

7 Q Let's focus on that for just a second because  
8 I want to make -- see if we agree on one other point,  
9 which is, the tracker allows, under commission  
10 authority, the company to collect a certain amount of  
11 capital investment up to a capped dollar figure. Is  
12 that your understanding?

13 A That's my understanding.

14 Q And so the depreciation expense you're  
15 talking about does not come from those tracker  
16 investments, isn't that right; it comes from the  
17 investments that are embedded in the company's rate  
18 base that are not included as part of the tracker?

19 A That's correct.

20 Q So you're trying to take depreciation expense  
21 for investments that could have been done 10 years ago  
22 and you're trying to tie that and have it reduce  
23 capital cost -- capital investments that are happening  
24 now on new projects, right?

25 A That's correct.

1 Q So I want to be clear, there's no connection  
2 between the capital investments in the one versus the  
3 capital investments in the other?

4 A Well, they're all recorded in the same  
5 account, account 376.

6 Q But for different projects and different  
7 timeframes, right?

8 A That's correct.

9 Q Okay. Now, Mr. Mendenhall has handed you two  
10 documents. The first, I'll represent, is 2.07 of the  
11 company's tariff. This is the published tariff that's  
12 online, and we'll mark that as DEU Cross Exhibit 1.  
13 And then the second document I'll come back to is --  
14 we've actually taken that same formula and run the  
15 numbers through it as you proposed and compared it to  
16 what the company is proposing. Do you follow?

17 A I do.

18 Q So let me just say, do you have any reason to  
19 disagree that DEU Cross Exhibit 1 is the way that the  
20 tariff requires the company to adjust the tracker and  
21 come up with the surcharge amount that is charged to  
22 customers?

23 A I agree.

24 MR. SABIN: I would move to admit DEU Cross  
25 Exhibit 1, Mr. Chair.

1                   CHAIRMAN LeVAR: Please indicate if anyone  
2 objects to that motion.

3                   I'm not seeing any objection, so it's  
4 granted.

5   (DEU CROSS EXHIBIT 1 ADMITTED.)

6 BY MR. SABIN:

7           Q       All right. So let's go to DEU Cross  
8 Exhibit 2, and you'll see there that Line 1 is the  
9 replacement infrastructure amount and that's the total  
10 capital investment that is allowed to be recovered  
11 through the tracker. Do you see that line?

12           A       I see.

13           Q       And Column B is the current method that the  
14 company has applied under the tariff we just looked at,  
15 Section 2.07 of the tariff, Column C is your proposed  
16 methodology, and then Column D represents the  
17 difference, okay?

18                   So I want to just point out where the change  
19 occurs is in Line 2. The company is using a cumulative  
20 depreciation related to this specific capital that is  
21 at issue in the tracker, which is \$1.493 million;  
22 whereas under your method we're taking the 49,781,550,  
23 and that is acting as a reduction to the \$77 million  
24 that the company is seeking to collect, correct?

25           A       That's correct.

1 Q So through your method, the company will only  
2 be able to collect under the tracker \$27 million rather  
3 than the 75 million that it would be able to collect  
4 under the current method that's in 2.07, right?

5 A To collect the revenue requirement on that  
6 rate base.

7 Q Right.

8 A Correct.

9 Q So there's a gap there of almost \$50 million  
10 created because you're taking out the depreciation that  
11 comes from other projects, right?

12 A In rate base, yes.

13 Q Now, I note that you didn't in your proposal  
14 adjust any of the other inputs or categories. In other  
15 words, you're not adjusting the net replacement --  
16 excuse me, the current pretax rate of return, you're  
17 not adjusting the allowed pretax return, you're not  
18 adjusting Line 7 or 8 for the net depreciation expense  
19 or the net taxes. That's right, isn't it? You just  
20 are changing the one item?

21 A Yes, the one item which relates to the main  
22 investment.

23 Q Okay. Isn't -- Mr. Mendenhall was correct  
24 earlier today, was he not, when he said that if you  
25 want to figure out what the correct revenue requirement

1 number should be, you need to go through and deal with  
2 all five of those inputs or items; isn't that right?

3 A I think I would disagree with Mr. Mendenhall.  
4 If you were to include those adjustments, my adjustment  
5 would probably be even larger. So, again, I focused on  
6 the one item that I thought related to main investment,  
7 and that's why I included the offset for depreciation  
8 expense included in base rates.

9 Q I guess I -- this question has been bothering  
10 me for a long time, since I read your testimony the  
11 first time, is where does the company get to recover  
12 the \$49 million of investment that you're taking out of  
13 the tracker recovery?

14 A Well, that is annual depreciation expense.  
15 And, again, that's a source of funds that the company  
16 can use to invest in mains on system. For example, I  
17 included an example in my direct testimony where I  
18 assumed a hypothetical if you had \$10 million in  
19 depreciation expense and you made \$10 million in  
20 investment in mains, you wouldn't be worse off. Your  
21 rates would collect the exact amount of revenue  
22 requirement that you require.

23 Q I don't think you're -- I don't think we're  
24 communicating. Let me make sure you understand my  
25 question. The \$49 million represents the company's

1 recovery of capital investment, right?

2 A That's depreciation expense.

3 Q Right. That's how you recover capital  
4 investment is through depreciation expense; isn't that  
5 right?

6 A Yes.

7 Q So when and where will the company ever get  
8 to -- you told me at the beginning of your testimony  
9 you agree that utilities should get to recover on and  
10 of its capital investment. So I get where you can say  
11 you get recovery on, but I don't see where you get  
12 recovery of the \$49 million that you're taking out of  
13 the tracker here.

14 The company doesn't get to recover that  
15 through the tracker, so when do they get to recover the  
16 \$49 million of capital investment that they should have  
17 the right to recover?

18 A That depreciation expense is included in base  
19 rates.

20 Q Okay. But you're saying that base rate --  
21 how is it -- you're saying they're just recovering it  
22 until the next rate case?

23 A Well, rates will be reset in the next rate  
24 case.

25 Q But you're not taking into account the

1 capital infusions that are happening between the rate  
2 cases when you do that. You're only adjusting it  
3 downward. You're not impacting the other -- you're not  
4 adjusting anything else between rate cases other than  
5 the depreciation.

6 A Well, depreciation is included in the base  
7 rates. If you have new investments, those aren't in  
8 base rates, so that's why I'm not adjusting the base  
9 rates.

10 Q So isn't what you're proposing really just a  
11 single issue rate item that you're trying to adjust  
12 downward, but you don't want to take into account the  
13 capital infusion that is also happening between 2023,  
14 2024, 2025? You're just reducing what the company's  
15 recovering during that period but not accounting for  
16 the capital infusion during the other years?

17 A Well, I think I would disagree with your  
18 premise. I think infrastructure surcharge rider  
19 mechanisms are in itself single issues. And, again, my  
20 proposal is to make the proposal by the company more  
21 fair for the customers in terms of the costs they pay.

22 Q But the Commission has already determined,  
23 has it not, that the tracker mechanism in its current  
24 state is just, reasonable, and in the public interest?

25 A I believe it has.

1 Q So why would we need to make any further  
2 adjustment to it?

3 A Well, again, I think it is a needed  
4 adjustment to improve the collection of costs from  
5 customers.

6 Q Okay, but -- I don't want to quibble with  
7 you. I'm just trying to figure out, the company will  
8 not ultimately recover the full cost under your  
9 approach because they will -- in the years between rate  
10 cases you'll have a reduction of what they're  
11 recovering and when they get to the next rate case.  
12 When do they get to recover the shortfall?

13 A I'm not sure if I agree with the premise of  
14 your question.

15 Q Well, I'm not sure I understand where the  
16 recovery would occur.

17 MR. SABIN: Let me -- Mr. Chair, I move to  
18 admit DEU Cross Exhibit 2?

19 CHAIRMAN LeVAR: Anyone object to that  
20 motion?

21 I'm not seeing any objection, so it's  
22 granted.

23 (DEU CROSS EXHIBIT 2 ADMITTED.)

24 BY MR. SABIN:

25 Q Isn't it true -- just to close off this set



1 of questions. Isn't it true that you're seeking to  
2 adjust just one item, the depreciation expense, and  
3 have that come out of the tracker, but you're not  
4 seeking to adjust the other items of capital  
5 expenditure that occur between rate cases?

6 A I would agree.

7 Q Okay. We had this as an exhibit in the  
8 Phase 1, and that's why I asked my question earlier. I  
9 would like to refer to the order -- and maybe I'll just  
10 ask Mr. Mendenhall if he would give everybody a copy  
11 since we're doing them separately.

12 While he's passing that around, I will just  
13 note that we're going to mark this as DEU Cross  
14 Exhibit 3. This is the Commission order from the last  
15 general rate case.

16 CHAIRMAN LeVAR: That's a long order.

17 MR. MECHAM: It's like poetry.

18 MR. SABIN: I was going to say, in the spirit  
19 of Mr. Mecham's comment, this is more poetry for him  
20 apparently. I'm not sure I want to be at his house on  
21 Valentine's Day when his wife reads him commission  
22 orders for romantic moments.

23 BY MR. SABIN:

24 Q Mr. Collins, do you have that order there?

25 A I do.

1 Q Could you open up with me to Page 10 of the  
2 orders where it starts talking about the tracker, but  
3 we're actually going to refer to Page 13. Please tell  
4 me when you get there.

5 A Page 10?

6 Q Yeah.

7 A I'm there.

8 Q Page 13, excuse me. I'm just letting you  
9 know it starts on Page 10 in case it matters to you.

10 So we're going to go to Page 13 and we're  
11 going to go down to the second full paragraph. Do you  
12 see where it says "We conclude"?

13 A Yes, I see.

14 Q I'm going to read that, and then I have a  
15 couple of questions about this for you. "We conclude a  
16 spending cap indexed for inflation (by the same GDP  
17 deflation index included in the most recent  
18 stipulation) balances customer and shareholder  
19 interests. Accordingly, we find that a spending cap of  
20 72.2 million is just and reasonable in result and we  
21 approve a spending cap at that level."

22 Do you see that?

23 A I do.

24 Q Now, if we look back at this exhibit, Cross  
25 Exhibit 2, and we look at what your proposal would do,

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1 by extracting out \$49 million out of what the company  
2 collects under the tracker, you are depriving the  
3 company of the ability to collect the amount up to the  
4 cap that the Commission approved in the last rate case;  
5 isn't that right?

6 A It would adjust it down by \$49 million, I  
7 agree.

8 Q Right. And I just want to be clear, in your  
9 testimony here in this rate case, you haven't provided  
10 any testimony saying that the tracker is not a good  
11 idea or that the company -- you should just do away  
12 with the tracker. Have I understood your testimony  
13 correctly?

14 A That's correct. Make an improvement to the  
15 tracker.

16 Q So at the end of the day if we went with your  
17 proposal, the cap approved by the Commission would  
18 never be achieved because you'd always have the  
19 depreciation expense you're taking from base rates and  
20 using it to reduce the amount that the company has been  
21 approved to collect up to, right?

22 A I think that would be correct.

23 Q Okay. Wouldn't you agree that your proposal  
24 kind of defeats the whole purpose of the tracker? I  
25 mean, the reason we have a tracker is we've got a high

1 amount of expenses, we don't want to have every year  
2 rate cases, and so we have for a -- up to a certain  
3 limit, we have a tracker that allows capital  
4 expenditures to be recovered.

5 But if we went with your proposal, it would  
6 just undermine -- it would defeat the purpose of why  
7 we've created it, don't you agree with that?

8 A I would disagree.

9 Q You think that recovering like a third of  
10 what the company has been approved is a good policy to  
11 avoid repeated rate cases and to deal with a growing  
12 amount of capital expenditures that has to be installed  
13 here in the state of Utah?

14 A Again, I think my adjustment is appropriate.

15 Q Okay. I just have a couple more questions.  
16 On the -- on your proposal, where -- where do you --  
17 you say that is this synchronizing, that your goal is  
18 to, quote, synchronize the costs, but I'm struggling to  
19 figure out how other than taking out recovery by the  
20 company, how you're actually synchronizing anything,  
21 because the tracker, as we established before, the  
22 costs being collected there are unrelated to the  
23 depreciation you're trying to apply to them.

24 We've also established that the tracker costs  
25 that we're talking about are future costs that you're

1 not accounting for in your proposal.

2 So help me understand how what you're  
3 proposing possibly synchronizes the costs from -- as  
4 between the rate base and the tracker?

5 A Well, on base rates you have a set amount of  
6 depreciation expense for account 376, that's the  
7 \$49 million. And in between rate cases -- again, that  
8 decreases your gross plant service -- your rate base  
9 declines between rate cases. So the return on rate  
10 base declines in between rate cases.

11 And my proposal recognizes that when we're  
12 setting the incremental revenue requirement that you're  
13 wanting to collect on the investment of mains.

14 Q I think -- I think my final question, then,  
15 is: All that you just said presumes that there is no  
16 capital investment in the years that follow, right?

17 A In account 376?

18 Q Correct.

19 A You're investigating in account 376 through  
20 investments that are going to apply to the tracker.

21 Q What you just said was that the depreciation  
22 amount will -- that that account will reduce every  
23 year, but I'm just saying all of what you just said is  
24 dependent upon the assumption that that is a true  
25 statement?

1           A       To the extent that you have additions outside  
2 the tracker, that may affect the balance, yes.

3           MR. SABIN: No further questions.

4           CHAIRMAN LeVAR: Thank you, Mr. Sabin.

5           Major Buchanan, do you have any redirect?

6           MS. BUCHANAN: I do not.

7           CHAIRMAN LeVAR: Thank you.

8           Commissioner Allen, do you have any questions  
9 for Mr. Collins.

10          COMMISSIONER ALLEN: No questions. Thank  
11 you.

12          CHAIRMAN LeVAR: Thank you.

13          Commissioner Clark?

14          COMMISSIONER CLARK: I have no questions.  
15 Thank you.

16          CHAIRMAN LeVAR: I don't have any. Thank you  
17 for your testimony this afternoon, Mr. Collins.

18          THE WITNESS: Thank you very much.

19          CHAIRMAN LeVAR: I think it's probably a good  
20 time for a short break, but before we do that, let me  
21 just ask, I want to see if anyone, including the court  
22 reporter, is unable to stay past five? We have a  
23 public witness hearing starting at 6:00, but do we have  
24 any problems with staying past 5:00 today?

25          MR. SABIN: No, we don't.

1           CHAIRMAN LeVAR: With that, I want to assure  
2 everybody that -- I don't want to rush anybody because  
3 we have two more full days set aside for this hearing,  
4 so we have plenty of time to get through the witnesses,  
5 but I think it does make sense to continue until at  
6 least a short break before the public witness hearing.

7           So why don't we take 10 minutes. Come back  
8 at 5:50.

9           Sorry, do you have a motion?

10          MR. SABIN: I forgot to move to admit DEU  
11 Cross Exhibit 3. Can I just do that?

12          CHAIRMAN LeVAR: Sure. Indicate if anyone  
13 has any objection to that.

14          The motion is granted. Thank you.

15                                 (DEU CROSS EXHIBIT 3 ADMITTED.)

16          CHAIRMAN LeVAR: So is 10 minutes sufficient  
17 for everyone right now?

18                                 (Recess.)

19          CHAIRMAN LeVAR: Good afternoon. We'll go  
20 back on the record, and I think, Mr. Mecham, you're up  
21 next with your witness; is that right?

22          MR. MECHAM: I am. Thank you.

23          CHAIRMAN LeVAR: Mr. Oliver, do you swear to  
24 tell the truth?

25          THE WITNESS: I do.

1 CHAIRMAN LeVAR: Thank you.

2 TIMOTHY B. OLIVER,  
3 called as a witness, being first duly sworn, was  
4 examined and testified as follows:

5  
6 EXAMINATION

7 BY MR. MECHAM:

8 Q Mr. Oliver, could you state your name and  
9 business address, please, for the record.

10 A Timothy B. Oliver, 7103 Laketree Drive,  
11 Fairfax Station, Virginia.

12 Q And by whom are you employed?

13 A I'm employed by Revilo Hill Associates,  
14 Incorporated. I serve as vice president of  
15 sustainability of energy pricing.

16 Q And for whom are you appearing today?

17 A I'm appearing for the American Natural Gas  
18 Council or ANGC.

19 Q Do you have a short summary of your  
20 testimony?

21 A I have a brief summary I've been working on.

22 Q Please go.

23 A I did not file direct testimony in this  
24 proceeding, so my rebuttal testimony started as a bit  
25 of a review of all the other parties' positions,



1 including their cost of service studies.

2 Q Oh, excuse me. I actually forgot to identify  
3 your exhibits. Let's go back to that. Did you prepare  
4 or have prepared testimony -- rebuttal testimony that  
5 we premarked ANGC2R, and surrebuttal testimony that we  
6 premarked ANGC2SR?

7 A I did.

8 Q And if you were asked those same questions,  
9 would your answer be the same today?

10 A They would.

11 Q Now, have you prepared a summary?

12 A I do have a summary.

13 CHAIRMAN LeVAR: Do you want to enter those  
14 into the record before the summary?

15 MR. MECHAM: I figured he'd give the summary  
16 and then we'd move.

17 A As I began earlier, my first piece of  
18 testimony in this case was a rebuttal piece of  
19 testimony. And one of my major observations to that,  
20 the positions of the parties with respect to the  
21 allocation of distribution plant costs has not evolved  
22 significantly since Docket No. 19-57-03. The use of  
23 design day measures and the weighting of peak and  
24 average factors remain a key point of differences among  
25 the parties.

1           In Docket No. 19-57-03, ANGC advocated for  
2 the use of a design day and annual throughput  
3 allocation which placed 68 percent weighting on the  
4 design day requirements and a 32 percent weighting on  
5 annual throughput. I still find those factors to be  
6 the most appropriate basis for the development of a  
7 peak and average allocation factors for DEU.

8           It recognizes that firm gas sales customers  
9 benefit from the service reliability that is derived  
10 from a system that is sized to meet more than actual  
11 annual peak requirements. The value of greater  
12 assurance of service reliability during extreme weather  
13 conditions must not be discounted.

14           Further, I comment on the proposed split of  
15 the TS class. And although the divisions of the TS  
16 class the company has proposed differ somewhat from  
17 what ANGC advocated in Docket 19-57-03, the company's  
18 proposal is reasonable.

19           The cost of service analyses provided by the  
20 company and other parties continue to show subsidies  
21 flowing from the small TS customers to other segments  
22 of the class. Clearly, there is a need for  
23 differentiated rate treatment for small, medium, and  
24 large TS customers, and ANGC supports the company's  
25 efforts to address that matter as Witness Chisholm

1 indicated in his direct testimony earlier today.

2 The Commission should find that the DEU's  
3 proposed division of the TS customers into three  
4 classes is reasonable and needs to be implemented at  
5 this time to facilitate rates that better track cost  
6 causation in smaller TS customers and reduce  
7 inter-class rate subsidies.

8 The Commission should further take any  
9 necessary steps to avoid rate shock for all classes,  
10 for all customers. And the Commission has several  
11 means at their disposal to achieve this objective.  
12 They can trim the magnitude of the overall company's  
13 revenue increase, thus reducing rates for all  
14 customers, they can ensure that DEU's cost allocations  
15 are adjusted to properly reflect cost causation and, if  
16 necessary, they can implement a phased-in approach as  
17 it did in Case 19-57-03.

18 That concludes the summary of my testimony.

19 MR. MECHAM: Thank you. We would move the  
20 admission of ANGC 2R and ANGC 2SR into the record.

21 CHAIRMAN LeVAR: Thank you.

22 Please indicate if anyone objects to that  
23 motion.

24 I'm not seeing any, so it's granted.

25 (ANGC 2R AND ANGC 2SR ADMITTED.)

1 MR. MECHAM: Mr. Oliver is available for  
2 cross-examination.

3 CHAIRMAN LeVAR: Why don't I go to Mr. Cook  
4 first.

5 MR. COOK: No questions.

6 CHAIRMAN LeVAR: Mr. Nelson.

7 MR. NELSON: Thank you. No questions.

8 CHAIRMAN LeVAR: Mr. Russell?

9 MR. RUSSELL: No questions. Thank you.

10 CHAIRMAN LeVAR: Major Buchanan.

11 MS. BUCHANAN: No questions.

12 CHAIRMAN LeVAR: Mr. Moore?

13 MR. MOORE: No questions. Thank you.

14 CHAIRMAN LeVAR: Ms. Schmid?

15 MS. SCHMID: No questions. Thank you.

16 CHAIRMAN LeVAR: Ms. Nelson Clark?

17 MS. NELSON CLARK: I also have no questions.

18 CHAIRMAN LeVAR: Thank you.

19 Commissioner Clark?

20 COMMISSIONER CLARK: No questions. Thank  
21 you.

22 CHAIRMAN LeVAR: Commissioner Allen?

23 COMMISSIONER ALLEN: No questions. Thanks.

24 CHAIRMAN LeVAR: I don't have any either.

25 Thank you for participating this afternoon and for the

1 testimony you filed.

2 Mr. Russell.

3 MR. RUSSELL: Thank you. UAE calls Mr. Kevin  
4 Higgins.

5 CHAIRMAN LeVAR: Good afternoon, Mr. Higgins.

6 THE WITNESS: Good afternoon, Mr. Chairman.

7 CHAIRMAN LeVAR: Once again, you get the last  
8 word at our hearing. I think that's always the case  
9 with you.

10 (Laughter.)

11 THE WITNESS: Not always, not at home.

12 CHAIRMAN LeVAR: Do you swear to tell the  
13 truth?

14 THE WITNESS: Yes, sir.

15 KEVIN C. HIGGINS,  
16 called as a witness, being first duly sworn, was  
17 examined and testified as follows:

18

19 EXAMINATION

20 BY MR. RUSSELL:

21 Q Will you state and spell your name for the  
22 record, please?

23 A My name is Kevin C. Higgins. K-E-V-I-N,  
24 middle initial C, H-I-G-G-I-N-S.

25 Q Can you tell us who you work for?

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1           A       I'm a principal in the firm Energy  
2 Strategies.

3           Q       On whose behalf do you offer testimony in  
4 this proceeding?

5           A       I'm here on behalf of the Utah Association of  
6 Energy Users or UAE.

7           Q       On behalf of UAE, you prefiled testimony in  
8 Phase II of this proceeding, right?

9           A       Yes, I have.

10          Q       Let's identify that quickly. You filed or  
11 caused to be filed direct testimony in this Phase II  
12 proceeding that was labeled as UAE Exhibit COS2.0,  
13 along with Exhibits COS2.1 through 2.4 and a work paper  
14 that was your cost-of-service model, correct?

15          A       Correct.

16          Q       And then you also filed or caused to be filed  
17 rebuttal testimony labeled UAE Exhibit COS4.0, yes?

18          A       Yes.

19          Q       And then also filed or caused to be filed  
20 surrebuttal testimony labeled as UAE Exhibit COS6.0,  
21 along with Exhibit COS6.1 and your surrebuttal COS  
22 model, correct?

23          A       Correct.

24          Q       With respect to all of that testimony, do you  
25 have any corrections to make?

1           A     I do not.

2           Q     And if asked the same questions today that  
3 were posed in your prefiled testimony, would you  
4 provide the same answers?

5           A     Yes, I would.

6           MR. RUSSELL: At this point, I'll move for  
7 the admission of Mr. Higgins' prefiled Phase II  
8 testimony.

9           CHAIRMAN LeVAR: Thank you.

10          Please indicate if anyone objects to that  
11 motion.

12          I'm not seeing any objection, so it's  
13 granted.

14   (HIGGINS PREFILED PHASE II  
15   TESTIMONY ADMITTED.)

16 BY MR. RUSSELL:

17          Q     Mr. Higgins, have you prepared a summary of  
18 your testimony for us today?

19          A     Yes, I have.

20          Q     Please proceed with that.

21          A     Thank you. Good afternoon, Mr. Chairman and  
22 Commissioners. My Phase II testimony, folks, is  
23 primarily on the appropriate parameters to be used in  
24 the class cost allocation in this case. I also discuss  
25 rate spread and transportation service rate design.

1 I'll begin with cost allocation.

2 While I don't believe it is necessary to  
3 split up the TS class in order to improve alignment  
4 with cost, I have utilized Dominion's recommended TS  
5 small, TS medium, and TS large groupings in my cost of  
6 service analysis.

7 Two key questions before the Commission  
8 pertain to Allocation Factor 230. Allocation Factor  
9 230 is used to allocate the feeder system, compression  
10 station, and measuring and regulating station costs.  
11 These items comprise 40 percent of distribution gross  
12 plant.

13 There are two basic cost components or  
14 classifications that are apportioned to classes used in  
15 Allocation Factor 230, peak demand and throughput.

16 The first key question is whether peak demand  
17 should be measured based on design day or based on a  
18 peak day that occurred in the recent past. Dominion  
19 has consistently and correctly maintained that the  
20 proper measure of peak demand is design day demand.  
21 The design day deliverability is what the system was  
22 built for.

23 Contrary to the assertions of the Division,  
24 we do know the design day costs. It is the cost of the  
25 system Dominion built. If in the majority of years it



1 is not necessarily to use the full delivery capability  
2 of the system, that does not change the fact that the  
3 capability is standing by and ready to be used by the  
4 weather sensitive classes if they need it.

5 Transportation service customers do not have  
6 a free option on firm service. They must contract and  
7 pay for firm service through a demand charge whether  
8 they fully utilize all of their firm service or not.

9 In contrast, general service customers are  
10 not required to commit contractually to a specific  
11 amount of firm demand. They only pay for what they  
12 use. This means that the customers in this weather  
13 sensitive class can call upon the full deliverability  
14 of the system that was constructed to serve them during  
15 the extremely cold temperatures of the design day.

16 The division and the Office choose to ignore  
17 this fundamental fact, instead they recommend  
18 allocating peak day costs based on usage levels other  
19 than the design day. In my view, this is simply an  
20 attempt to shift responsibility for the costs of a  
21 system constructed to meet design day demand away from  
22 the temperature sensitive general service class for  
23 which design day deliverability was built and on to  
24 transportation and interruptible service customers.  
25 This proposed cost shift is without merit and should be

1 rejected by the Commission.

2 The second key question is what respective  
3 weightings should be applied to peak demand and  
4 throughput when using Allocation Factor 230.  
5 Dominion's calculation use a weighting of 60 percent of  
6 peak demand and 40 percent on throughput. As admitted  
7 by Dominion, this weighting is arbitrary. As UAE has  
8 pointed out in this case and previous rate cases, an  
9 allocation factor that blends peak demand and  
10 throughput is a clear example of the average and peak  
11 method.

12 The average and peak method does not use an  
13 arbitrary weighting for the volumetric component, it  
14 uses system load factor for the weighting. This  
15 corresponds to the amount of the system that would be  
16 utilized if all customers consumed gas at a 100 percent  
17 load factor. As such, it is a proxy for baseload  
18 usage.

19 The Dominion load factor is 32 and a half  
20 percent, and that is what UAE is recommending be used  
21 for the volumetric weighting, system load factor using  
22 the design day consistent with the description in the  
23 cost allocation manual and consistent with the  
24 illustrative example in that manual.

25 Although the Division and Office use load

1 factor weightings in their recommendations, they are  
2 not load factors calculated using design day demand.  
3 Therefore, the volumetric weightings proposed by the  
4 Division and the Office should be rejected.

5 Another important issue is the sub question  
6 of whether interruptible customers should be assigned  
7 peak day costs. The answer is no. Assigning peak day  
8 costs to interruptible customers is as illogical as it  
9 is inequitable.

10 First of all, the system is not built to  
11 serve interruptible customers during design day  
12 weather. As Dominion has made clear in its testimony  
13 in this case, interruptible customers would be  
14 interrupted on a design day.

15 Second, the fundamental rationale for using a  
16 volumetric weighting in the A and P method in the first  
17 place is that the volumetric component allocates a fair  
18 share of fixed costs to interruptible customers. And  
19 this is not just interruptible sales customers I'm  
20 referring to, but interruptible transportation  
21 customers as well. After allocating fixed costs to  
22 interruptible customers through the volumetric  
23 component, it is a misuse of the method to turn around  
24 and additionally allocate peak day costs to those  
25 customers.

1 Third, allocating peak day costs to  
2 interruptible customers effectively eliminates any  
3 difference in the costs being allocated to firm service  
4 as distinct from interruptible service. And if we no  
5 longer differentiate between firm and interruptible  
6 service and cost allocation and the resultant pricing  
7 implications are adopted, why would any customer agree  
8 to take interruptible service going forward?

9 And if customers were no longer willing to  
10 take interruptible service because it no longer made  
11 economic sense, the Commission and the company would  
12 have to consider how big a system Dominion would need  
13 to construct to ensure firm service on the design day.  
14 We can be sure that it would be a bigger system than  
15 the one we have today.

16 Moving away from Allocation Factor 230, I  
17 recommend that the cost of large diameter, intermediate  
18 high pressure mains should not be allocated solely on  
19 distribution throughput as Dominion does but should  
20 also incorporate a distribution design day component  
21 comparable to what is done for the feeder line system.

22 Turning to the cost of the Magna LNG  
23 facility, Dominion acknowledged in its rebuttal  
24 testimony that it had inadvertently allocated LNG costs  
25 to customers other than firm sales customers, which is

1 something I pointed out in my direct testimony.

2 In response, I accepted the allocation  
3 approach the company adopted in its correction.  
4 Critically, no party to this case that I'm aware of is  
5 challenging the principle that the LNG facility costs  
6 should be recovered from the firm sales customers this  
7 facility was built to serve with the exception of the  
8 Office.

9 The Office's witnesses Mr. Daniel contends  
10 that because some customers have migrated to  
11 transportation service since the company sought  
12 approval for it, that, therefore, a portion of LNG  
13 costs should be allocated to all transportation  
14 customers.

15 Mr. Daniel's analysis ignores the fact that  
16 firm sales customers have grown since the time the  
17 project was announced, but more fundamentally, his  
18 proposal ignores the fact that the LNG facility was not  
19 designed to meet the needs of TS customers and will  
20 never be utilized by TS customers.

21 Mr. Daniel's proposal to shift a portion of  
22 LNG costs to transportation and other nonfirm sales  
23 customers is without merit as it has no basis in cost  
24 causation and it should be rejected by the Commission.

25 My final point on the subject of cost

1 allocation is that I agree with Nucor Steel witness  
2 Mr. Mullins that distribution depreciation expense  
3 should be allocated on the same basis as the underlying  
4 plant by FERC account, and I incorporated this change  
5 into my surrebuttal cost of service results presented  
6 in table KCH2S.

7 Turning to rate spread, with some classes in  
8 a position to get substantial rate decreases if rates  
9 were set strictly on costs and others facing very large  
10 increases if the TS class is split up, I think it would  
11 be appropriate for the Commission to mitigate the  
12 impact of the breakup of this class through some form  
13 of gradualism, either through a partial movement to  
14 full cost in this case or some other form of phasing.

15 The degree to which gradualism will be  
16 required will depend on both the revenue requirement  
17 decision that the Commission makes, as well as the cost  
18 allocation determinations they will make.

19 My final comment in this summary is something  
20 of a caveat for the Commission in sorting through the  
21 various rate impacts proposed by the parties.

22 Unfortunately, the rate impacts for the TSS, TSM, TSL,  
23 and TBF classes presented by every party in this case  
24 except UAE are incorrect because they rely on  
25 Dominion's depiction in its cost-of-service model of

1 the current distribution nongas revenue for these  
2 classes, which, as I point out in my direct testimony,  
3 do not tie back to the rate design in billing  
4 determinants for these classes.

5 For the group as a whole, the DNG current  
6 revenues are generally correct, but the current  
7 revenues are not correct for the individual components.  
8 What this means is that when each of the other parties,  
9 including Dominion, calculates its target revenue  
10 requirement for these classes, the percentage change  
11 they show to get to that revenue requirement is wrong  
12 because it is starting from the wrong current revenues.

13 Specifically, the increase for TSL and TSM  
14 will be materially understated. That's because the  
15 current revenues that Dominion showed in its  
16 cost-of-service model for those classes are too high.  
17 The increase for TSS will be slightly understated, and  
18 the increase for TBF will be dramatically overstated.

19 Let me just give you an example to, you know,  
20 put this into context. If you go back to Dominion's  
21 original direct filing, if the correct revenues,  
22 current revenues were used for these classes, then its  
23 reported increase for the TB -- TSM class would be  
24 about 10 and a half percent higher, its reported rate  
25 impact on the TSL class would be about 8 percent

1 higher, its reported impact for the TSS class would be  
2 about half a percent higher, and its reported impact  
3 for the TBF class would be about 36 and a half percent  
4 lower.

5 These differentials will be different for  
6 every party because they are a function of the size of  
7 the increase they recommend.

8 So how do you navigate out of this? My  
9 recommendation is this: I mean, in my testimony on  
10 UAE Exhibit COS2.2, Table 2, I provide the current  
11 revenues for those four classes as found in the  
12 company's rate design work papers, which is where the  
13 rates are going to be designed to collect the revenue  
14 requirement.

15 My recommendation to the Commission is that  
16 when the Commission calculates the rate impacts of your  
17 final decision, my advice is to use those current  
18 revenues as found in that table I just referenced.

19 Now, I did my best to present this  
20 information. It was in my direct testimony. It was in  
21 my work papers. To my knowledge, no other party  
22 adopted this correction, and Dominion did not respond  
23 to it in rebuttal. So the best I can do is at least  
24 alert the Commission to this issue, and that concludes  
25 my summary.



1 MR. RUSSELL: Thank you, Mr. Higgins. The  
2 witness is available for cross-examination and  
3 commission questions.

4 CHAIRMAN LeVAR: Thank you.

5 I think I'll go to Mr. Cook first. Do you  
6 have any questions for Mr. Higgins?

7 MR. COOK: No questions.

8 CHAIRMAN LeVAR: Major Buchanan, do you have  
9 any questions?

10 MS. BUCHANAN: No questions.

11 CHAIRMAN LeVAR: Mr. Mecham.

12 MR. MECHAM: Not yet.

13 CHAIRMAN LeVAR: Mr. Nelson?

14 MR. NELSON: Thank you. No questions.

15 CHAIRMAN LeVAR: I'll go to Ms. Nelson Clark  
16 or Mr. Sabin.

17 MR. SABIN: No questions. Thank you.

18 CHAIRMAN LeVAR: Mr. Moore.

19 MR. MOORE: No questions. Thank you.

20 CHAIRMAN LeVAR: Ms. Schmid.

21 MS. SCHMID: No questions. Thank you.

22 CHAIRMAN LeVAR: Okay. Commissioner Allen.

23 COMMISISON ALLEN: No questions. Thank you.

24 CHAIRMAN LeVAR: Commissioner Clark.

25 EXAMINATION

1 BY COMMISSIONER CLARK:

2 Q Yeah, I've got a couple of questions. I want  
3 to take you to where you concluded the revenue issues  
4 for the TSS, TSM, TSL. I want to make sure I  
5 understood -- I wasn't sure I followed -- I got to the  
6 right chart that you were referring to, so can you take  
7 me there? I'm looking at one that's at the end of your  
8 surrebuttal. There's a similar one at the end of your  
9 rebuttal. This is Table KCH2S.

10 A No.

11 Q Wrong place?

12 A Yes, but thank you for asking and thanks for  
13 clarifying. It's actually in an exhibit.

14 Q I was afraid of that.

15 A So it would be UAE Exhibit COS2.2, Page 1,  
16 and there's a Table 2, and it's a fairly tidy table.  
17 It shouldn't be too difficult to work through it, but  
18 in that table it shows the current distribution nongas  
19 revenue for each class, but specifically it shows them  
20 for these four classes where there's a problem.

21 And if one were to calculate any proposed  
22 rate increase by any party in this case, using this  
23 starting point, you would get the correct percentage  
24 increase that that party is proposing.

25 And, you know, it's -- current revenues, if I

1 may, is a tricky item in rate making. We solve for  
2 revenue requirement, that's what parties propose,  
3 that's what folks target in coming up with their  
4 recommended cost allocations and rate spread, it's the  
5 revenue requirement. But the change to get to the  
6 revenue requirement has to start with current revenues.

7           And so if the current revenues are wrong, you  
8 might have the correct target revenue, but the change  
9 needed is wrong. And, of course, in rate making, let's  
10 face it, while folks are proposing target revenues, the  
11 item that parties, commissioners, public tend to focus  
12 on is the increase. And so my point is that if you  
13 want to depict the increase properly, you need to start  
14 with the correct current revenues, and you can find  
15 them in that table.

16           Q       And the errors are -- relate to billing  
17 determinants, I think I heard you say, and what else?

18           A       Well, I can't -- I don't know what causes the  
19 errors in Dominion's cost-of-service study. What I can  
20 tell you is that they're not the correct current  
21 revenues. It's difficult to ascertain exactly where  
22 they came from. But if you go to their rate design  
23 work papers, you can find these correct starting  
24 revenues. The current revenues are correct in the  
25 company's rate design work paper, but not in the

1 cost-of-service work paper.

2 Q And what leads you to conclude that they're  
3 correct? What's the basis of that -- or what kind of  
4 analysis leads you to be able to discern the errors  
5 from the correct numbers?

6 A That analysis is that it's in the same work  
7 paper that the revenue requirement is going to be --  
8 that the company is going to ensure that it collects  
9 its revenue requirement. So essentially, it's the work  
10 paper that shows the billing determinants and the  
11 proposed rates that yield the target revenue  
12 requirement.

13 And in that same work paper, you can find the  
14 same billing determinants that are going to be used to  
15 separate, and you can find the current rates right  
16 there, and they're the same for each of the -- of  
17 those -- of the TS classes because they hadn't been  
18 broken up yet. So you can clearly trace back and see  
19 that there's a nexus between the proposed rates and the  
20 calculated revenue requirement and the current rates in  
21 that work paper.

22 Q Thank you.

23 A My pleasure.

24 CHAIRMAN LeVAR: I don't have any additional  
25 questions. Thank you for your testimony this

1 afternoon, Mr. Higgins.

2 MR. RUSSELL: Mr. Chairman, can we make one  
3 quick clarification. In response to  
4 Commissioner Clark's question about what exhibit we  
5 were looking at, I think the witness may have  
6 referenced the wrong exhibit. Can we go back to that?

7 THE WITNESS: Sure.

8 CHAIRMAN LeVAR: If he did, we were looking  
9 at the wrong exhibit, then.

10 MR. RUSSELL: Maybe I just have them  
11 misnumbered. I thought you said 2.1.

12 THE WITNESS: No, 2.2.

13 MR. RUSSELL: I thought you had said 2.1 and  
14 I was looking at that and that was not what you guys  
15 were talking about. My apologies. 2.2, Page 1,  
16 Table 2.

17 THE WITNESS: Page 1.

18 COMMISSIONER CLARK: Thanks for making sure  
19 that we're on the same page.

20 CHAIRMAN LeVAR: Well, we would have had to  
21 admit that we were looking at this and not  
22 understanding what he was saying.

23 Anything else from anyone before we adjourn?

24 MR. MOORE: I have a personal issue. I have  
25 been a little ill all day and it has been suggested to

1 me by my client that I skip the public -- I request to  
2 be excused from the public witness standard. Other  
3 members from the Office will be here to assist the  
4 public witness.

5 CHAIRMAN LeVAR: We appreciate you letting us  
6 know. I think permission from us isn't necessary since  
7 there's no cross-examination of the public witness  
8 hearing, but thank you for giving us the heads-up.

9 COMMISSIONER CLARK: Feel better.

10 CHAIRMAN LeVAR: Get some rest.

11 MR. MOORE: Thanks.

12 CHAIRMAN LeVAR: Anything else from anyone?

13 As you all know, we have a public witness  
14 hearing beginning at 6:00. According to our notice, we  
15 will give anyone who is present by 6:30 a reasonable  
16 opportunity to speak. And with that, we're adjourned.

17 (Adjourned at 5:19 p.m.)

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REPORTER'S CERTIFICATE

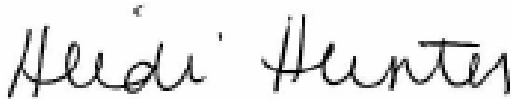
STATE OF UTAH                    )  
COUNTY OF SALT LAKE        )

I, Heidi Hunter, RPR, CCR, for the state of Utah.

That the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed my said shorthand notes into typing and that the typewritten transcript of said deposition is a complete, true and accurate transcription of my said shorthand notes taken at said time.

I further certify that I am not a relative employee, attorney, or counsel of any of the parties nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.



Heidi Hunter, RPR, CCR

[& - 2.2.]

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[801.366.0260 - actual]

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[afternoon - allocation]

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[contrary - cost]

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[projection - purposes]

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[reevaluation - report]

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[reported - revenue]

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[revenue - russell]

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[seeing - shock]

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[short - sort]

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[summers - system]

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[system - temperatures]

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Utah Rules of Civil Procedure  
Part V. Depositions and Discovery  
Rule 30

(E) Submission to Witness; Changes; Signing.  
Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES  
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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