

PUBLIC SERVICE COMMISSION

Docket No. 22-057-04

VIRTUAL HEARING

March 24, 2022

ADVANCED REPORTING SOLUTIONS

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Virtual Hearing
March 24, 2022

1 - BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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3)
4 Application of Dominion)
5 Energy Utah to Modify the) DOCKET NO. 22-057-04
6 Wexpro Production Cap)
7)
8)
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9 VIRTUAL HEARING

10 TAKEN THROUGH ADVANCED REPORTING SOLUTIONS VIA ZOOM

11 Taken on Thursday, March 24, 2022

12 At 9:00 a.m.

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25 Reported by: Christina Essi, RPR, CSR

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24
25

Kelly Mendenhall	PAGE
Examination by Ms. Clark:	4
Examination by Ms. Hogle:	9
Bela Vastag	
Examination by Mr. Moore:	15
Eric Orton	
Examination by Ms. Schmid	19

1 MS. HOGLE: Good morning, everyone. It is
2 March 24, 2022, and it's about 9:00 in the morning.
3 We are here to consider a settlement stipulation that
4 was reached in the matter of the application of
5 Dominion Energy Utah to modify the Wexpro Production
6 Cap in Docket Number 22-057-04.

7 My name is Yvonne Hogle and I'm the
8 Commission's designated presiding officer in this
9 docket. At this time, let's take appearances for the
10 record, please, starting with the applicants.

11 MS. CLARK: Thank you. My name is Jenniffer
12 Clark. I'm counsel for Dominion Energy Utah and I
13 have with me Kelly B. Mendenhall. He will be the
14 witness speaking on behalf of the company.

15 MS. HOGLE: Thank you. Let's move to the
16 Office of Consumer Services.

17 MR. MOORE: Yes, this is Robert Moore. I'm
18 Assistant Attorney General representing the Office of
19 Consumer Services. I have with me Bela Vastag, the
20 utility analyst at the office.

21 MS. HOGLE: Okay. And the Division of
22 Public Utilities, please.

23 MS. SCHMID: Good morning. Patricia E.
24 Schmid, Assistant Attorney General, representing the
25 Division of Public Utilities. The Division's witness

1 today is Eric Orton.

2 MS. HOGLE: Okay. Thank you, everyone.

3 Ms. Clark, are you ready to call your
4 witness?

5 MS. CLARK: I am, thank you. The company
6 calls Kelly Mendenhall.

7 MS. HOGLE: Good morning, Mr. Mendenhall.
8 Do you swear to tell the truth?

9 MR. MENDENHALL: I do.

10 MS. HOGLE: Okay, thank you.

11 EXAMINATION OF KELLY MENDENHALL

12 BY MS. CLARK:

13 Q Mr. Mendenhall, will you please state your
14 name and business address for the record?

15 A Yes. Kelly B. Mendenhall. And my business
16 address is 333 South State Street, Salt Lake City, Utah.

17 Q And what position do you hold with the
18 company, Mr. Mendenhall?

19 A I'm the director of regulatory pricing for
20 Dominion Energy Utah.

21 Q Did you participate in the negotiation and
22 drafting of the stipulation at issue today?

23 A Yes, I did.

24 Q And did you prepare or cause to be prepared
25 the application with accompanying exhibits: 1.0, 2.0,

1 **and 2.1?**

2 A Yes.

3 **Q And do you adopt those documents as your**
4 **testimony today?**

5 A Yes, I do.

6 MS. CLARK: The Company moves for the
7 admission of application and all of the accompanied
8 exhibits.

9 MS. HOGLE: Any objection?

10 Okay, they are admitted. Thank you.

11 MS. CLARK: Thank you so much.

12 BY MS. CLARK:

13 **Q Mr. Mendenhall, would you please summarize**
14 **the relief the Company seeks today?**

15 A Sure. So I'd probably just like to quickly
16 go through the main provisions of the settlement. So if
17 you can turn to page 4 of the settlement stipulation.
18 And while everybody is turning there, I'll just give you
19 some quick overview of how we got there.

20 So back in 2015, the parties, through the
21 Canyon Creek Stipulation, agreed that Wexpro would manage
22 the supply that it provided to the utility to a
23 55 percent level. And in February of last year, there
24 was a rather large weather event in Texas that impacted a
25 lot of the surrounding states, including Utah, and we saw

1 unprecedented price spikes during that time and
2 recognized at that time that the importance that having a
3 price stability and supply reliability had on our system
4 and for our customers. And so after that event, we got
5 together with the Division of Public Utilities, the
6 Office of Consumer Services, and the consumer advocate in
7 Wyoming and began to have some discussions on different
8 things that the Company could do to both mitigate price
9 risk as well as increase supply reliability.

10 And so we talked about a number of items and
11 one of those items was the idea of potentially increasing
12 the Wexpro cap to 65 percent. And so that's basically
13 what this stipulation does. I will say that this is not
14 a carte blanche. There are certain parameters that are
15 required in order for Wexpro to be able to exceed the
16 55 percent and go up to 65 percent and these parameters
17 are outlined beginning in paragraph 14 of the
18 stipulation.

19 So it was important to the parties that
20 Wexpro had a plan that if it was going to go above
21 55 percent, that they had done some due diligence and
22 that they were able to meet some requirements. So in
23 paragraph 14, we talk about the plan. And so in order
24 for Wexpro to exceed 55 percent, they would have to have
25 a plan to include the following elements. They would

1 have to provide a forecast of the production compared to
2 the finder curve and also take into account the shut-in
3 costs. And shut-in costs are important because when we
4 begin to exceed 55 percent production, there are times in
5 the summer when that could require wells to be shut in
6 and that has a carrying cost. And so we determined that
7 those costs need to be incorporated as part of that
8 analysis. So that's the first piece. And so Wexpro
9 would need to prove that -- or, through their forecast
10 show that the supply cost price would be able to beat the
11 finder curve including shut-in costs. That's the first
12 piece.

13 The second piece is that it would not exceed
14 65 percent. That's the level that the parties are
15 comfortable with. We've seen that level in the past and
16 so that's the agreed upon amount that the Wexpro would be
17 able to go up to. And it also included in that, in order
18 to give transparency to all the parties, Wexpro would
19 need to provide, as part of that plan, when they think
20 they would be able to come back down to the 55 percent
21 level. So that would give some vision on how long they
22 would be above the 55 percent cap. And then finally,
23 once that plan is provided to both the Utah and Wyoming
24 commissions, they would need to approve it and find that
25 it is in the public interest. So that really kind of

1 summarizes paragraph 14.

2 And then in paragraph 15, the parties want to
3 make sure that the Commission has some issues that they
4 should consider as they are determining whether the plan
5 is in the public interest. I'm not going to go through
6 them all. But just to highlight a few, price volatility
7 would be one. Other pending opportunities would be one,
8 as well as the impact on summer production and storage.
9 You can see the full list there on paragraph 15.

10 Paragraph 16 is basically saying that Wexpro
11 would need to follow the plan. And the parties do
12 recognize that sometimes plans don't act as we think they
13 will.

14 And so paragraph 17 gives Wexpro the
15 flexibility, if their plan changes, that they can always
16 come in to the commissions and file to modify the plans.
17 So that gives them flexibility. You know, if production
18 different turn out like they thought it would or even if
19 they thought they could produce more than they thought
20 they originally could, this gives them the flexibility to
21 come in at any time and have it reviewed by both
22 commissions. So those are really the highlights of the
23 stipulation and that summarizes the stipulation and those
24 are my comments. Thank you.

25 MS. CLARK: The Company has nothing further.

1 Mr. Mendenhall is available for cross-examination and
2 Commission questions.

3 MS. HOGLE: Thank you. Mr. Moore, do you
4 have any cross-examination questions for
5 Mr. Mendenhall, or any questions?

6 MR. MOORE: No questions. Thank you.

7 MS. HOGLE: Ms. Schmid, does the DPU have
8 any questions for Mr. Mendenhall?

9 MS. SCHMID: No questions. Thank you.

10 MS. HOGLE: Okay. Thank you,
11 Mr. Mendenhall. I have a few, actually.

12 EXAMINATION OF KELLY MENDENHALL

13 BY MS. HOGLE:

14 Q In paragraph 14 in the summary that you just
15 gave, you indicated that one of those conditions that had
16 to be met included the date by which Wexpro and Wexpro 2
17 production levels all begin to a level either below
18 55 percent of DEU's IRP forecast, or the minimum
19 threshold. Does that mean then that each plan that is
20 filed with the PSC could have a different number of years
21 where DEU was seeking production above the 55 percent?

22 A Yeah. So, just so I understand your
23 question, so for every plan that they filed, so let's
24 say, for example, an acquisition. If Wexpro were to make
25 an acquisition and that acquisition was going to exceed

1 the 55 percent, in that particular plan they would need
2 to put the date that the production would then come back
3 and fall below 55 percent. And then in the next year, if
4 they had another -- let's say, they had another
5 acquisition and filed another plan, that second plan I
6 think would incorporate the first plan, if that makes
7 sense. And so they would probably talk about, with the
8 combined plans, at what point the production level would
9 fall back to 55 percent or lower.

10 Q Okay. I think you answered my question, but
11 just so I understand, let's say that in Year 1, DEU filed
12 a request for approval of a plan that included two years
13 of production above the 55 percent threshold. Let's say
14 it's drilling, not acquisition. Then in five years from
15 that point, DEU could file another plan that included
16 three years of Wexpro production above the 55 percent
17 threshold; am I understanding that correctly? Is that
18 possible?

19 A Correct. Correct, yeah. And the second plan
20 would have to incorporate the productions in the first
21 plan.

22 Q Okay. Does DEU typically meet the 55 percent
23 Wexpro production now?

24 A So I think last year, we were right at
25 55 percent or very close. But if you actually look at

1 Wexpro's forecasted production for the next few years,
2 it's actually dropping I think down to like the
3 45 percent level. So, yes, currently they are at or
4 below 55 percent. So to get above 55 percent at this
5 point, it will take either a large increase in gas prices
6 or some fairly large acquisitions to get them above that
7 55 percent level.

8 **Q Okay. And based on my understanding, it is**
9 **possible, looking at what you see now based on the event**
10 **that happened in February in Texas and Oklahoma and**
11 **surrounding states, you're seeing an increased**
12 **possibility of possibly triggering the possibility of**
13 **increasing the production from Wexpro; is that correct?**

14 **A Yes. So just to give you a feel, and not**
15 **even the event of last February, but, you know, all the**
16 **geopolitical issues that we have right now, we've seen an**
17 **increase, not a huge increase, but about a 30 percent**
18 **increase in the five-year curve. And so, yeah, as that**
19 **five-year curve goes up and prices are higher, that does**
20 **give Wexpro more opportunity to drill within their**
21 **existing footprint to get them above the 55 percent**
22 **level.**

23 **Q Okay. You also mentioned, I believe, that**
24 **during that five- or seven-day event, DEU produced**
25 **20 percent from the Wexpro production. And I guess, am I**

1 reading that correctly? Is that 28 percent of the
2 55 percent annual production cap that you're referring
3 to?

4 A Yeah. So the 55 percent would be the annual
5 production level. But on a winter day -- you know,
6 Wexpro's production is pretty constant throughout the
7 year, meaning in the summer it's a higher percentage of
8 our production and in the winter it's a lower percentage,
9 and on average it ends up being 55 percent.

10 Q And what was that 28 percent that you
11 referenced in the stipulation or in your --

12 A Yeah, let me look here. Just trying to find
13 the page it was on.

14 MS. CLARK: Line 39.

15 A (Continued) Thank you. Yeah, so the
16 28 percent would have been the gas supplied during that
17 period. 28 percent of it would have come from Wexpro.
18 And then the rest of it would have come -- we have some
19 other hedges. Our gas supply group has some other hedges
20 that we had on at that time that helped mitigate the
21 price risk. But there were also some spot purchases that
22 we had to make and those were the ones that were quite
23 costly.

24 Q Right, right. Okay. So as I was reading
25 this material, I wondered what the expectation is of the

1 parties, including of course DEU, as far as the timing
2 would be or to get a request through the Public Service
3 Commission. In other words, I imagine that you would
4 want the timing to be as expeditious as possible, but I'm
5 wondering if that is something you would include in your
6 application or if you have any idea now what that would
7 be in terms of getting something like that approved,
8 getting a plan approved through the Public Service
9 Commission.

10 A Yeah, so I think right now we have the
11 ability through Wexpro 2 to make a filing with the
12 commissions and get through properties included. And I
13 think we've done a few of those over the last several
14 years. And the timetable on those properties is a 60-day
15 turnaround and so I think we would probably try to match
16 it up with a similar timetable. Basically, we would just
17 be making -- let's say, for instance, we made an
18 acquisition. We would file it under the Wexpro 2
19 guidelines and ask for a 60-day turnaround. And part of
20 that filing would be this plan that checked the boxes, so
21 to speak, on these parameters.

22 Q Okay. And that would be the same thing for
23 drilling as opposed to acquisition, correct, or drilling,
24 correct?

25 A Correct.

1 Q Okay. And then one thing I noticed in, you
2 know, your background as you inform the reader about the
3 different settlement stipulations as far as Wexpro's
4 concern, that the timing between the Utah Public Service
5 Commission and the Wyoming Public Service Commission, and
6 so in case of a request for approval of a plan and given
7 that you would need approval from both commissions and
8 factoring in the time sensitivity of those applications,
9 I wonder if you are planning to file those applications
10 simultaneously in order to expedite the approval.

11 A Yeah.

12 Q Okay. Because I noticed with your other
13 stipulations, you sort of got approval from Utah first
14 and then months later you got approval from the Wyoming
15 Public Service Commission. So I was just making sure
16 that the timing, given sensitivity of pricing and, you
17 know, taking advantage of the possibility of increased
18 production from Wexpro, that you could do it all as
19 expeditiously as possible.

20 A Yes. And they have the same 60-day
21 turnaround requirement in Wyoming as we do in Utah, for
22 the Wexpro 2 plowing. So, yeah, that would be the
23 expectation, is that we'd be able to file on the same day
24 and within 60 days get approval from both commissions.

25 Q Okay. I don't think I have -- oh, I have one

1 more question. I didn't hear you say this in your
2 summary, so I'm just confirming.

3 Do you believe that approval of this
4 settlement stipulation is in the public interest?

5 A Yeah. I cannot believe I did not remember
6 that in my summary. But, yes, I do believe this is in
7 the public interest and we request the Commission to
8 approve it.

9 MS. HOGLE: Thank you very much. Thank you
10 very much.

11 Okay. Let's go with the office of Consumer
12 Services, please.

13 MR. MOORE: The Office of Consumer Services
14 calls Bela Vastag and asks that he be sworn.

15 MS. HOGLE: Good morning MR. Vastag do you
16 swear to tell the truth.

17 MR. VASTAG: I do.

18 MS. HOGLE: Okay, thank you. Go ahead.

19 EXAMINATION OF BELA VASTAG

20 BY MR. MOORE:

21 Q Can you please state and spell your name for
22 the record?

23 A Bela, B-E-L-A. Last name V-A-S-T-A-G.

24 Q How are you employed and what is your
25 business address?

1 A I'm employed by the Utah Office of Consumer
2 Services as a utility analyst.

3 Q In your capacity as utility analyst, did you
4 participate in the discussions and negotiations that led
5 to the stipulation that is the subject of this hearing?

6 A Yes.

7 Q Have you reviewed the filings of this
8 detective including the stipulation?

9 A Yes.

10 Q Did you participate in the preparations and
11 filing of the OCS March 10th, 2022 comments in this
12 docket considering the negotiations in the settlement
13 stipulation?

14 A Yes, I did.

15 Q Do you have any changes you'd like to make to
16 the March 10th comments at this time?

17 A No, none.

18 Q Do you adopt the comments as your testimony?

19 A Yes.

20 MR. MOORE: At this point, the OCS would move
21 to admit the March 10th comments.

22 MS. HOGLE: Any objection?

23 MS. SCHMID: No objection.

24 BY MR. MOORE:

25 Q Have you prepared a summary of the OCS

1 **position on the settlement stipulation?**

2 A Yes, I have a short summary.

3 **Q Please proceed.**

4 MS. HOGLE: Before you proceed, can I just
5 say it? Your comments are admitted into the record.
6 Go ahead.

7 A Thank you. Good morning. The settlement
8 stipulation before the commission today allows Dominion
9 Energy Utah, or DEU, to request approval from the
10 Commission to increase the Wexpro natural gas production
11 cap above the current limit of 55 percent of DEU's annual
12 forecasted natural gas demand. The stipulation allows
13 the cap to be increased up to 65 percent under certain
14 conditions. This stipulation was developed by the
15 parties as a result of the extreme spike in natural gas
16 prices that occurred in February 2021. Increasing the
17 Wexpro cap would provide additional hedging of DEU's
18 natural gas supplies.

19 On March 10th, 2022, the OCS filed comments
20 in this docket supporting the settlement, which was filed
21 by DEU on February 3rd, 2022. Prior to that, the OCS
22 collaborated with DEU and the Division of Public
23 Utilities over several months, from approximately
24 September 2021 through January 2022, to craft the
25 language and requirements contained in this stipulation.

1 Our efforts aim to ensure that the terms allowing an
2 increase in the Wexpro cap would be in the public
3 interest and that ratepayers would be protected.
4 Therefore, the OCS believes that this settlement
5 stipulation is just and reasonable in result and in the
6 public interest. The OCS recommends that the Commission
7 approve it. And that concludes my statement.

8 MR. MOORE: Mr. Vastag is available for
9 cross-examination questions from the hearing officer.

10 MS. HOGLE: Thank you. Any questions from
11 the DEU?

12 MS. CLARK: No. Thank you.

13 MS. HOGLE: Any questions from DPU?

14 MS. SCHMID: No questions. Thank you.

15 MS. HOGLE: Okay. Mr. Vastag, thank you
16 very much. I don't have any questions for you.

17 Okay. Let's go with the Division of Public
18 Utilities, please.

19 MS. SCHMID: Thank you. The Division would
20 like to call its witness, Mr. Eric Orton. The
21 Division requests that he be sworn.

22 MS. HOGLE: Good morning, Mr. Orton. Do you
23 swear to tell the truth?

24 MR. ORTON: Yes, I do.

25 MS. HOGLE: Thank you.

EXAMINATION OF ERIC ORTON

BY MS. SCHMID:

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

A My name is Eric Orton, O-R-T-O-N.

Q And your first name?

A E-R-I-C.

Q Thank you. By whom are you employed and in what capacity?

A I'm employed by the Utility Division of Public Utilities. I'm a utility technical consultant.

Q What is your business address?

A 160 East 300 South, Salt Lake City.

Q In connection with your employment by the Division, have you participated in this docket on behalf of the Division?

A Yes, I have.

Q Could you please briefly describe your participation in this docket?

A I was not involved in the negotiations, but I was assigned the task of readying the Division's comments and memo, action request response. I reviewed the application as well as discussed the negotiations and the proceedings with my leadership and prepared the comments.

Q Thank you. So you prepared and caused to be

1 filed the Division's action request response filed on
2 March 10th of this year?

3 A Yes.

4 Q If you were to file that memorandum today,
5 would your statements in it be the same as those that
6 were filed on March 10th?

7 A Yes. As far as I know, it's accurate today.

8 Q And you have no changes or corrections; is
9 that correct?

10 A I have no changes or corrections.

11 MS. SCHMID: With that, the Division requests
12 the admission of DPU's March 10th action request
13 response.

14 MS. HOGLE: Mr. Orton, do you adopt those
15 comments as your testimony?

16 MR. ORTON: Yes.

17 MS. HOGLE: Okay. Any objection?

18 MS. CLARK: No objection from the Company.

19 MR. MOORE: No objection from the OCS.

20 BY MS. SCHMID:

21 Q Do you have a summary to present today?

22 A I do.

23 Q Please proceed.

24 A Thank you. In 2015, the Commission approved
25 the Canyon Creek stipulation which, among other things,

1 established a cap that no more than 55 percent of
2 Dominion's IRP demand forecast or that no more than 55
3 percent of the minimum threshold set by that stipulation
4 be provided by the Wexpro-managed properties. In the
5 current environment, the Division is aware that
6 forecasted natural gas market prices and demand, along
7 with possible supply constraints, may result in higher
8 natural gas prices in the future and precautionary
9 mitigation efforts may be reasonable.

10 As a result of this possibility, parties
11 discussed, among other options, the possibility of
12 increasing the Wexpro production limit. Based on these
13 discussions, parties have entered into a settlement
14 stipulation which is attached to the Company's
15 application as Exhibit Number 1.0. The settlement
16 stipulation gives Wexpro the opportunity to exceed the
17 current threshold limit established by the current Creek
18 stipulation, subject to Commission approval of an
19 acquisition or drilling plan related to the proposed
20 increased production.

21 Paragraph 14 of the settlement stipulation
22 specifically outlines certain conditions and requirements
23 to be included in an application if and when the Company
24 seeks to increase Wexpro's planned production up to
25 65 percent of the annual IRP forecast, or up to

1 65 percent of the minimum threshold established by the
2 Canyon Creek stipulation.

3 Important to the Division is the condition
4 that the planned production costs must be below the
5 five-year forecast curve plus shut-in costs. Another
6 provision that is especially important to the Division is
7 that any such a application must include a date upon
8 which Wexpro production will be returned to or below the
9 Canyon Creek level.

10 Paragraph 15 of the stipulation also contains
11 suggested valuation criteria when the Commission is
12 making its public interest determination. The
13 stipulation is a result of extensive arms length
14 negotiations.

15 Based on the above mentioned constraints and
16 conditions and other important provisions, the Division
17 signed the settlement stipulation submitted in this
18 docket and considers it to be just, reasonable, in the
19 public interest in result and, therefore, the Division
20 recommends and requests that the Commission approve the
21 settlement stipulation as filed.

22 That concludes my comments. Thank you.

23 Q Just to clarify, is it the Division's
24 position that the settlement stipulation is just and
25 reasonable in result and is also in the public interest?

1 A Yes.

2 MS. SCHMID: Thank you. The Division has
3 nothing further. Mr. Orton is available for
4 cross-examination questions and questions from the
5 hearing officer.

6 MS. HOGLE: Thank you. Does DEU have
7 questions for Mr. Orton?

8 MS. CLARK: No. Thank you.

9 MS. HOGLE: Does the Office have any
10 questions for Mr. Orton?

11 MR. MOORE: No questions. Thank you.

12 MS. HOGLE: Mr. Orton, I also do not have
13 any questions. Thank you for your time this morning.

14 MR. ORTON: Thank you.

15 MS. HOGLE: Does anybody else have anything
16 that they'd like to say or did we miss anything?

17 MS. CLARK: I don't think so.

18 MS. HOGLE: Okay. I don't think so either.

19 Thank you all for your testimony this
20 morning and we will be issuing an order soon. We're
21 adjourned.

22 (Proceedings adjourned at 9:31 a.m.)

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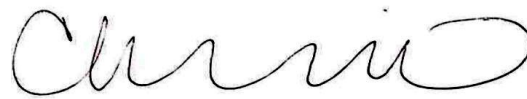
1 STATE OF UTAH)
2)
3 COUNTY OF SALT LAKE)

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

7 That the foregoing proceedings were taken
8 before me at the time and place therein set forth, at
9 which time the witnesses were placed under oath to tell
10 the truth; that the proceedings were taken down by me in
11 shorthand and thereafter my notes were transcribed
12 through computer-aided transcription; and the foregoing
13 transcript constitutes a full, true, and accurate record
14 of such testimony adduced and oral proceedings had, and
15 of the whole thereof.

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

19 I have subscribed my name on this 29th day of
20 March, 2022.

21 

22 Christina Essi, RPR, CSR
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1 10:11	<hr/> 5 <hr/>	agreed 5:21 7:16
1.0 4:25	55 5:23 6:16,21,24 7:4,	ahead 15:18 17:6
10th 16:11,16,21 17:19	20,22 9:18,21 10:1,3,9,	aim 18:1
14 6:17,23 8:1 9:14	13,16,22,25 11:4,7,21	allowing 18:1
15 8:2,9	12:2,4,9 17:11	amount 7:16
16 8:10	<hr/> 6 <hr/>	analysis 7:8
17 8:14	60 14:24	analyst 3:20 16:2,3
<hr/> 2 <hr/>	60-day 13:14,19 14:20	annual 12:2,4 17:11
2 9:16 13:11,18 14:22	65 6:12,16 7:14 17:13	appearances 3:9
2.0 4:25	<hr/> 9 <hr/>	applicants 3:10
2.1 5:1	9:00 3:2	application 3:4 4:25 5:7
20 11:25	<hr/> A <hr/>	13:6
2015 5:20	ability 13:11	applications 14:8,9
2021 17:16,24	accompanied 5:7	approval 10:12 14:6,7,
2022 3:2 16:11 17:19,21,	accompanying 4:25	10,13,14,24 15:3 17:9
24	account 7:2	approve 7:24 15:8 18:7
22-057-04 3:6	acquisition 9:24,25 10:5,	approved 13:7,8
24 3:2	14 13:18,23	approximately 17:23
28 12:1,10,16,17	acquisitions 11:6	asks 15:14
<hr/> 3 <hr/>	act 8:12	Assistant 3:18,24
30 11:17	additional 17:17	Attorney 3:18,24
333 4:16	address 4:14,16 15:25	average 12:9
39 12:14	admission 5:7	<hr/> B <hr/>
3rd 17:21	admit 16:21	B-E-L-A 15:23
<hr/> 4 <hr/>	admitted 5:10 17:5	back 5:20 7:20 10:2,9
4 5:17	adopt 5:3 16:18	background 14:2
	advantage 14:17	based 11:8,9
		basically 6:12 8:10 13:16
		beat 7:10

began 6:7
begin 7:4 9:17
beginning 6:17
behalf 3:14
Bela 3:19 15:14,19,23
believes 18:4
blanche 6:14
boxes 13:20
business 4:14,15 15:25

C

call 4:3 18:20
calls 4:6 15:14
Canyon 5:21
cap 3:6 6:12 7:22 12:2
17:11,13,17 18:2
capacity 16:3
carrying 7:6
carte 6:14
case 14:6
checked 13:20
City 4:16
Clark 3:11,12 4:3,5,12
5:6,11,12 8:25 12:14
18:12
close 10:25
collaborated 17:22
combined 10:8
comfortable 7:15
comments 8:24 16:11,
16,18,21 17:5,19
commission 8:3 9:2
13:3,9 14:5,15 15:7 17:8,

10 18:6
Commission's 3:8
commissions 7:24 8:16,
22 13:12 14:7,24
company 3:14 4:5,18
5:6,14 6:8 8:25
compared 7:1
concern 14:4
concludes 18:7
conditions 9:15 17:14
confirming 15:2
constant 12:6
consumer 3:16,19 6:6
15:11,13 16:1
contained 17:25
Continued 12:15
correct 10:19 11:13
13:23,24,25
correctly 10:17 12:1
cost 7:6,10
costly 12:23
costs 7:3,7,11
counsel 3:12
craft 17:24
Creek 5:21
cross-examination 9:1,4
18:9
current 17:11
curve 7:2,11 11:18,19
customers 6:4

D

date 9:16 10:2

day 12:5 14:23
days 14:24
demand 17:12
designated 3:8
detective 16:8
determined 7:6
determining 8:4
DEU 9:21 10:11,15,22
11:24 13:1 17:9,21,22
18:11
DEU's 9:18 17:11,17
developed 17:14
diligence 6:21
director 4:19
discussions 6:7 16:4
Division 3:21,25 6:5
17:22 18:17,19,21
Division's 3:25
docket 3:6,9 16:12 17:20
documents 5:3
Dominion 3:5,12 4:20
17:8
down 7:20 11:2
DPU 9:7 18:13
drafting 4:22
drill 11:20
drilling 10:14 13:23
dropping 11:2
due 6:21

E

efforts 18:1

elements 6:25	finally 7:22	helped 12:20
employed 15:24 16:1	find 7:24 12:12	higher 11:19 12:7
ends 12:9	finder 7:2,11	highlight 8:6
Energy 3:5,12 4:20 17:9	five- 11:24	highlights 8:22
ensure 18:1	five-year 11:18,19	Hogle 3:1,7,15,21 4:2,7, 10 5:9 9:3,7,10,13 15:9, 15,18 16:22 17:4 18:10, 13,15,22,25
Eric 4:1 18:20	flexibility 8:15,17,20	hold 4:17
event 5:24 6:4 11:9,15,24	follow 8:11	huge 11:17
EXAMINATION 4:11 9:12 15:19	footprint 11:21	<hr/>
exceed 6:15,24 7:4,13 9:25	forecast 7:1,9 9:18	I
exhibits 4:25 5:8	forecasted 11:1 17:12	<hr/>
existing 11:21	full 8:9	
expectation 12:25 14:23	<hr/>	
expedite 14:10	G	
expeditious 13:4	<hr/>	
expeditiously 14:19	gas 11:5 12:16,19 17:10, 12,15,18	idea 6:11 13:6
extreme 17:15	gave 9:15	imagine 13:3
<hr/>	General 3:18,24	impact 8:8
F	geopolitical 11:16	impacted 5:24
<hr/>	give 5:18 7:18,21 11:14, 20	importance 6:2
factoring 14:8	Good 3:1,23 4:7 15:15 17:7 18:22	important 6:19 7:3
fairly 11:6	group 12:19	include 6:25 13:5
fall 10:3,9	guess 11:25	included 7:17 9:16 10:12,15 13:12
February 5:23 11:10,15 17:16,21	guidelines 13:19	including 5:25 7:11 13:1 16:8
feel 11:14	<hr/>	incorporate 10:6,20
file 8:16 10:15 13:18 14:9,23	H	incorporated 7:7
filed 9:20,23 10:5,11 17:19,20	<hr/>	increase 6:9 11:5,17,18 17:10 18:2
filing 13:11,20 16:11	happened 11:10	increased 11:11 14:17 17:13
filings 16:7	hear 15:1	increasing 6:11 11:13 17:16
	hearing 16:5 18:9	inform 14:2
	hedges 12:19	instance 13:17
	hedging 17:17	

interest 7:25 8:5 15:4,7
18:3,6

IRP 9:18

issue 4:22

issues 8:3 11:16

items 6:10,11

J

January 17:24

Jennifer 3:11

K

Kelly 3:13 4:6,11,15 9:12

kind 7:25

L

Lake 4:16

language 17:25

large 5:24 11:5,6

led 16:4

level 5:23 7:14,15,21
9:17 10:8 11:3,7,22 12:5

levels 9:17

limit 17:11

list 8:9

long 7:21

lot 5:25

lower 10:9 12:8

M

made 13:17

main 5:16

make 8:3 9:24 12:22
13:11 16:15

makes 10:6

making 13:17 14:15

manage 5:21

March 3:2 16:11,16,21
17:19

match 13:15

material 12:25

matter 3:4

meaning 12:7

meet 6:22 10:22

Mendenhall 3:13 4:6,7,9,
11,13,15,18 5:13 9:1,5,8,
11,12

mentioned 11:23

met 9:16

minimum 9:18

mitigate 6:8 12:20

modify 3:5 8:16

months 14:14 17:23

Moore 3:17 9:3,6 15:13,
20 16:20,24 18:8

morning 3:1,2,23 4:7
15:15 17:7 18:22

move 3:15 16:20

moves 5:6

N

natural 17:10,12,15,18

negotiation 4:21

negotiations 16:4,12

noticed 14:1,12

number 3:6 6:10 9:20

O

objection 5:9 16:22,23

occurred 17:16

OCS 16:11,20,25 17:19,
21 18:4,6

office 3:16,18,20 6:6
15:11,13 16:1

officer 3:8 18:9

Oklahoma 11:10

opportunities 8:7

opportunity 11:20

opposed 13:23

order 6:15,23 7:17 14:10

originally 8:20

Orton 4:1 18:20,22,24

outlined 6:17

overview 5:19

P

paragraph 6:17,23 8:1,2,
9,10,14 9:14

parameters 6:14,16
13:21

part 7:7,19 13:19

participate 4:21 16:4,10

parties 5:20 6:19 7:14,18
8:2,11 13:1 17:15

past 7:15

Patricia 3:23

pending 8:7	produced 11:24	recognize 8:12
percent 5:23 6:12,16,21, 24 7:4,14,20,22 9:18,21 10:1,3,9,13,16,22,25 11:3,4,7,17,21,25 12:1,2, 4,9,10,16,17 17:11,13	production 3:5 7:1,4 8:8, 17 9:17,21 10:2,8,13,16, 23 11:1,13,25 12:2,5,6,8 14:18 17:10	recognized 6:2
percentage 12:7,8	productions 10:20	recommends 18:6
period 12:17	properties 13:12,14	record 3:10 4:14 15:22 17:5
piece 7:8,12,13	protected 18:3	referenced 12:11
plan 6:20,23,25 7:19,23 8:4,11,15 9:19,23 10:1,5, 6,12,15,19,21 13:8,20 14:6	prove 7:9	referring 12:2
planning 14:9	provide 7:1,19 17:17	regulatory 4:19
plans 8:12,16 10:8	provided 5:22 7:23	reliability 6:3,9
plowing 14:22	provisions 5:16	relief 5:14
point 10:8,15 11:5 16:20	PSC 9:20	remember 15:5
position 4:17 17:1	public 3:22,25 6:5 7:25 8:5 13:2,8 14:4,5,15 15:4,7 17:22 18:2,6,17	representing 3:18,24
possibility 11:12 14:17	purchases 12:21	request 10:12 13:2 14:6 15:7 17:9
possibly 11:12	put 10:2	requests 18:21
potentially 6:11	<hr/> Q <hr/>	require 7:5
preparations 16:10	question 9:23 10:10 15:1	required 6:15
prepare 4:24	questions 9:2,4,5,6,8,9 18:9,10,13,14,16	requirement 14:21
prepared 4:24 16:25	quick 5:19	requirements 6:22 17:25
presiding 3:8	quickly 5:15	rest 12:18
pretty 12:6	<hr/> R <hr/>	result 17:15 18:5
price 6:1,3,8 7:10 8:6 12:21	ratepayers 18:3	reviewed 8:21 16:7
prices 11:5,19 17:16	reached 3:4	risk 6:9 12:21
pricing 4:19 14:16	reader 14:2	Robert 3:17
Prior 17:21	reading 12:1,24	<hr/> S <hr/>
proceed 17:3,4	ready 4:3	Salt 4:16
produce 8:19	reasonable 18:5	Schmid 3:23,24 9:7,9 16:23 18:14,19
		seeking 9:21
		seeks 5:14
		sense 10:7

sensitivity 14:8,16
September 17:24
Service 13:2,8 14:4,5,15
Services 3:16,19 6:6
15:12,13 16:2
settlement 3:3 5:16,17
14:3 15:4 16:12 17:1,7,
20 18:4
seven-day 11:24
short 17:2
show 7:10
shut 7:5
shut-in 7:2,3,11
similar 13:16
simultaneously 14:10
sort 14:13
South 4:16
speak 13:21
speaking 3:14
spell 15:21
spike 17:15
spikes 6:1
spot 12:21
stability 6:3
starting 3:10
state 4:13,16 15:21
statement 18:7
states 5:25 11:11
stipulation 3:3 4:22 5:17,
21 6:13,18 8:23 12:11
15:4 16:5,8,13 17:1,8,12,
14,25 18:5
stipulations 14:3,13

storage 8:8
Street 4:16
subject 16:5
summarize 5:13
summarizes 8:1,23
summary 9:14 15:2,6
16:25 17:2
summer 7:5 8:8 12:7
supplied 12:16
supplies 17:18
supply 5:22 6:3,9 7:10
12:19
supporting 17:20
surrounding 5:25 11:11
swear 4:8 15:16 18:23
sworn 15:14 18:21
system 6:3

T

taking 14:17
talk 6:23 10:7
talked 6:10
terms 13:7 18:1
testimony 5:4 16:18
Texas 5:24 11:10
thing 13:22 14:1
things 6:8
thought 8:18,19
threshold 9:19 10:13,17
time 3:9 6:1,2 8:21 12:20
14:8 16:16
times 7:4

timetable 13:14,16
timing 13:1,4 14:4,16
today 4:1,22 5:4,14 17:8
transparency 7:18
triggering 11:12
truth 4:8 15:16 18:23
turn 5:17 8:18
turnaround 13:15,19
14:21
turning 5:18
typically 10:22

U

understand 9:22 10:11
understanding 10:17
11:8
unprecedented 6:1
up 6:16 7:17 11:19 12:9
13:16 17:13
Utah 3:5,12 4:16,20 5:25
7:23 14:4,13,21 16:1
17:9
Utilities 3:22,25 6:5
17:23 18:18
utility 3:20 5:22 16:2,3

V

V-A-S-T-A-G 15:23
Vastag 3:19 15:14,15,17,
19 18:8,15
vision 7:21
volatility 8:6

W

weather 5:24

wells 7:5

Wexpro 3:5 5:21 6:12,15,
20,24 7:8,16,18 8:10,14
9:16,24 10:16,23 11:13,
20,25 12:17 13:11,18
14:18,22 17:10,17 18:2

Wexpro's 11:1 12:6 14:3

winter 12:5,8

wondered 12:25

wondering 13:5

words 13:3

Wyoming 6:7 7:23 14:5,
14,21

Y

year 5:23 10:3,11,24 12:7

years 9:20 10:12,14,16
11:1 13:14

Yvonne 3:7