

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application of Dominion Energy Utah for a Waiver of Utah Admin. Code R746-320-3 to Temporarily Suspend its Meter Testing Program	<u>DOCKET NO. 22-057-23</u> <u>ORDER GRANTING MOTION FOR WAIVER</u>
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ISSUED: January 12, 2023

On December 6, 2022, Dominion Energy Utah (DEU) filed the above captioned application (“Application”) with the Public Service Commission (PSC). The Application requests the PSC to waive certain compliance obligations with “portions of [Utah Admin. Code R746-320-3] and certain [PSC] orders . . . to permit [DEU] to temporarily suspend its meter testing program”<sup>1</sup> from January 1 to June 30, 2023 (“Suspension Period”). On December 7, 2022, we issued a Notice of Filing and Comment Period providing that any person could submit comments by December 27, 2022. The Division of Public Utilities (DPU) filed comments on December 15, 2022 (“Comments”). No other comments were filed.

BACKGROUND

DEU represents that it “currently tests its meters for accuracy according to [Utah Admin. Code R746-320-3.E]” and the “guidelines established in the [Dockets].”<sup>2</sup> According to DEU, it is in the process of developing its 2023 meter testing plan, which follows its typical procedures of using a statistical sampling to test, repair, and/or retire different gas meters (“Testing Program”).<sup>3</sup> For its 2023 Testing Program, DEU estimates it will retire approximately 3,000 meters. DEU states, however, that “supply constraints of certain meters . . . does not [allow]

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<sup>1</sup> Application at 1. The PSC orders are “Docket Nos. 78-057-12, 98-057-03, and 00-057-06” (“Dockets”).

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> The Testing Program requires that a meter be physically disconnected from the natural gas source, replaced with another meter from DEU’s inventory, and the disconnected meter is then taken to be tested for safety and accuracy. *See* Application at 2.

sufficient inventory of new meters to maintain its [Testing Program] while also keeping up with demand for meters for new construction.”<sup>4</sup>

DEU represents it “placed orders for meters as early as its vendor allows, but the vendor cannot provide the meters until mid-2023.”<sup>5</sup> DEU asserts this “temporary suspension . . . will not harm customers or increase measurement error[.]” because historically “the majority of the meters tested are within the required accuracy range.”<sup>6</sup> Because of this, DEU also requests “that it not be required to ‘catch up’ on meters that would have been tested” during the Suspension Period, asserting that such could deplete meter inventory.<sup>7</sup>

DPU recommends approval of DEU’s application.<sup>8</sup> DPU acknowledges DEU’s Testing Program, noting it “requires that a significant number of meters be held in inventory to replace the” meters being disconnected for testing.<sup>9</sup> DPU further notes DEU “expects about 25,000 new [construction] customers in 2023,”<sup>10</sup> all of which require gas meters. DPU states that allowing the temporary suspension DEU seeks “will allow the available supply of meters to be assigned to new customers.”<sup>11</sup> DPU further states that after “extensive discussions and reviewing the data applicable to the [Testing] Program, [it] concurs with [DEU] that very few of the meters that are tested . . . fall outside the required accuracy range[.]”<sup>12</sup>

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<sup>4</sup> *Id.* at 2-3.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *See* Comments at 1.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 3.

<sup>11</sup> *Id.* at 4.

<sup>12</sup> *Id.* at 3.

Both DEU and DPU also comment on the possibility that the Suspension Period may need to be extended, depending on DEU's supply chain fulfillment success. Specifically, DEU notes "that supply chain issues are not easy to anticipate. If [DEU] later determine[s] that there [is] reason to extend this suspension period, [DEU] would request additional approval from the [PSC]."<sup>13</sup> Similarly, DPU states "[i]f [DEU] is unable to procure the necessary meters and determines the [Suspension Period] needs to be extended beyond June 30, 2023, [DPU] recommends that [DEU] inform the [PSC] prior to that date."<sup>14</sup>

#### FINDINGS AND CONCLUSIONS

DEU seeks a temporary waiver of its compliance obligations found in Utah Admin. Code R746-320-3.E and the guidelines established in the Dockets. The PSC may grant a request to deviate from a rule provided the movant has shown compliance would impose a hardship that outweighs the benefits of the rule.<sup>15</sup>

Here, the basis for DEU's waiver request is that current supply constraints make it unable to maintain sufficient inventory for its Testing Program while also keeping up with new construction demand. Consistently, DPU notes that the number of meters required for DEU's 2023 Testing Program is "not immaterial"<sup>16</sup> and having meters unavailable because of the Testing Program "may have a significant impact[]"<sup>17</sup> on new customers. The benefits of Utah Admin. Code R746-320-3.E and the guidelines established in the Dockets are the safety and

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<sup>13</sup> See Application at 3.

<sup>14</sup> See Comments at 4.

<sup>15</sup> Utah Admin. Code R746-1-109.

<sup>16</sup> Comments at 3.

<sup>17</sup> Comments at 3.

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accuracy of the customer's meters.<sup>18</sup> DEU represents the temporary waiver will not harm customers nor increase measurement error, and DPU "has no reason to counter [this] claim."<sup>19</sup>

Based on the Application, DPU's Comments, and there being no opposition, we find and conclude that a temporary waiver of Utah Admin. Code R746-320-3.E and the guidelines established in the Dockets as requested in the Application is in the public interest. We also find and conclude that DEU's ability to maintain appropriate gas meter inventory is in the public interest and therefore does not need to test those meters it would have otherwise tested during January 1 through June 30, 2023. We finally find and conclude that if supply chain fulfillment issues persist and the Suspension Period needs to be extended, it is in the public interest for DEU to seek additional approval from the PSC prior to its expiration.

ORDER

The Application is granted as follows:

1. DEU may temporarily suspend its Testing Program, as indicated herein;
2. DEU need not test those meters it would have otherwise tested during January 1 through June 30, 2023; and
3. DEU shall seek, prior to its expiration, additional approval from the PSC to extend the Suspension Period, if necessary.

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<sup>18</sup> See Application at 2 and Comments at 4.

<sup>19</sup> Comments at 3.

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DATED at Salt Lake City, Utah, January 12, 2023.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#326608

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on January 12, 2023, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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