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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of) DOCKET NO. 23-057-10
Marcia Darger d/b/a)
Archimedes 5, LLC,)
against Dominion Energy)
Utah)

HEARING
REGARDING THE GAS METER LOCATED AT THE PROPERTY AT:

618 North 2720 East
Unit A
St. George, Utah 84790

Owned by Marcia Darger, d/b/a Archimedes 5, LLC

Friday, August 25, 2023

10:01 a.m. to 11:54 a.m. MDT

Taken via Webex videoconference (all parties)

Reported by:

Rose-Marie Robinson,
Utah CCR 9884984-7801,
California CSR 14132,
Nevada CSR 986,
Idaho CSR SRL-1029,
NCRA Registered Professional Reporter.

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P R O C E E D I N G S

MR. DELANEY: Today is Friday, August 25th, 2023, and it's approximately 10:01 a.m., and this is the date and the time that is scheduled for the hearing on the formal complaint of Marcia Darger, d/b/a Archimedes 5, LLC, against Dominion Energy, Utah. It's Docket 23-057-09 (sic). The formal complaint was filed June 12th, 2023.

At this time let's start with appearances. For the Complainant, are you present?

THE COMPLAINANT: Yes, I am.

MR. DELANEY: And is your last name pronounced Darger?

THE COMPLAINANT: Yes.

MR. DELANEY: Okay. Are you represented by counsel, Ms. Darger, or are you representing yourself?

THE COMPLAINANT: I'm representing myself. I can't afford counsel.

MR. DELANEY: Do you have anybody else with you that will speak on your behalf?

THE COMPLAINANT: Yes. My husband.

MR. DELANEY: We will cross that bridge if and when we get there. Thank you.

And for Dominion? Appearances, please?

1 MS. CLARK: And just for clarification, we
2 are here on Docket 23-057-10, is that correct?

3 MR. DELANEY: You know, I'm sorry. Very
4 good clarification. That's correct. The Archimedes
5 docket.

6 MS. CLARK: Perfect. Thank you.

7 My name is Jenniffer Clark. I'm counsel
8 for Dominion Energy, and I have with me Elia Lopez,
9 who is a lead customer relations and energy
10 assistant specialist. She will speak on behalf of
11 the Company.

12 I also have with me Jace Gordon, who is
13 the supervisor of gas training development, who will
14 also speak on behalf of the Company; and Sean
15 Goodfellow, senior meter shop technician.

16 We also have with us Austin Summers, who
17 is a manager of regulations, who can answer
18 questions about the rates associated with this
19 account, if necessary.

20 MR. DELANEY: Thank you very much.

21 Court Reporter, can you hear everybody
22 fine?

23 THE COURT REPORTER: Yes, I can. Thank
24 you for asking and checking.

25 MR. DELANEY: Because we're doing this

1 remotely, everybody, if there is a problem with the
2 court reporter's ability to hear you or the pace at
3 which you're speaking, I'm going to invite the court
4 reporter to interrupt you and let you know that. So
5 just FYI. Okay?

6 THE COMPLAINANT: I have one question. I
7 got two invitations for two different addresses, and
8 they both started at 10:00. So, obviously, I can
9 only attend one, and I chose Archimedes, but there's
10 another one also at the same time for another
11 property.

12 MR. DELANEY: I think you're referring to
13 the -09 docket which is the My M&Ms, LLC.

14 THE COMPLAINANT: Yes.

15 MR. DELANEY: And that was noticed for
16 9:00 o'clock, not 10:00 o'clock.

17 THE COMPLAINANT: I thought it said 10:00.

18 MR. DELANEY: It says 9:00 a.m.

19 THE COMPLAINANT: So I missed that one?

20 MR. DELANEY: You did.

21 THE COMPLAINANT: Yeah. But it's probably
22 important that I do this one first. This is the
23 important one, and that will help the other one,
24 but, obviously, I apologize. I didn't realize it
25 was a different time. I have sight issues; so...

1 MR. DELANEY: Okay. Well, just understand
2 that the -09 docket, the hearing that happened that
3 was scheduled at 9:00 o'clock occurred without you,
4 and so we're here on the -10 -- the -10 docket,
5 which is the Archimedes docket, and that's the only
6 hearing we have remaining on your two complaints.

7 So let's proceed with the Archimedes
8 complaint which is the -10 docket.

9 And, Ms. Darger, I'll tell you that what I
10 want to do is, this is your complaint. So we'll
11 hear from you first, and then we will hear from
12 Dominion Energy. After you have presented what you
13 want to present, you will be subject to examination
14 by counsel for Dominion Energy and also available
15 for questions from me.

16 Then after Dominion Energy presents its
17 presentation, its witnesses also then will be
18 available for you to examine them, and they too will
19 be available for any questions that I might have.

20 THE COMPLAINANT: Okay.

21 MR. DELANEY: Okay? So all that being
22 said, before you give your presentation, I'd like to
23 swear you in because I'm assuming you'd like to
24 provide this information under oath, is that
25 correct?

1 THE COMPLAINANT: Yes.

2 MR. DELANEY: Let me ask this from a
3 housekeeping perspective. Is there a reason you're
4 not turning on your camera, Ms. Darger?

5 THE COMPLAINANT: Oh, I don't know. This
6 is the first time I've used this; so I have no idea
7 how to do it. I see a square here that says,
8 "Public Service."

9 MR. DELANEY. No, no. That's okay.
10 Counsel for Dominion, are you okay with
11 that, or would you like her to try to figure out a
12 way to turn on the camera?

13 THE COMPLAINANT: I would like to figure
14 it out because I have, you know, some photos and
15 stuff that I would like to present.

16 MR. DELANEY: Well, Ms. Darger, you must
17 figure that out immediately, then, if that's what
18 you'd like to do.

19 THE COMPLAINANT: We're trying to do that
20 now.

21 Can you see me?

22 MR. DELANEY: No.

23 Yes. I can see you now.

24 THE COMPLAINANT: This is my first time
25 doing something like this.

1 MR. DELANEY: That's okay. Since it's
2 your first time, I guess just a housekeeping issue
3 is please keep the device to which the camera is
4 attached stable. And, for example, if it's on a
5 telephone, don't start walking around with it in
6 your hand as you're on camera. Everyone will get
7 seasick. The other thing is --

8 THE COMPLAINANT: Yeah. I'm having a hard
9 time hearing you. It's breaking up, and it says,
10 "Network conversation (sic) is poor," or "Network
11 issues. Do you want to turn off video to save?"

12 I don't know what that means.

13 MR. DELANEY: This is what I'm going to
14 propose, and, counsel for DEU, tell me if you don't
15 want to do this.

16 I would propose that you turn off your
17 video while you are speaking, and to the extent you
18 then need to --

19 (Discussion off record between Ms. Darger and her
20 husband.)

21 THE COMPLAINANT: Okay. Can you hear me
22 better now? Hello?

23 MR. DELANEY: Yeah. We can hear you fine
24 the whole time. I think you are having a hard time
25 hearing us. Can you hear us? Okay.

1 THE COMPLAINANT: Now I can, yeah, but
2 sorry that I can't --

3 MR. DELANEY: That's okay. I just want
4 you to -- if you do need to turn on your camera,
5 there's obviously going to be the same issues; so I
6 would only turn on your camera if absolutely
7 necessary.

8 THE COMPLAINANT: Okay.

9 MR. DELANEY: Okay. I want you to
10 understand another thing too, Ms. Darger. We have
11 nine people on this call; so please make your
12 presentation as efficiently as possible, and I'll
13 let you proceed after I swear you in. Okay?

14 THE COMPLAINANT: Okay.

15 MR. DELANEY: Do you swear to tell the
16 truth here today, Ms. Darger?

17 THE COMPLAINANT: I do.

18 MR. DELANEY: Okay. You are sworn in.
19 Please proceed.

20 THE COMPLAINANT: Okay. We have two
21 properties. They are the same address. 618 North
22 2720 East, Unit A and Unit B. At the time that we
23 were noticing the utilities -- obviously, I keep
24 track of all the bills because they were empty --
25 so, obviously, we wanted to keep the cost down.

1 They were pretty much close to each other. For
2 example, we had -- Unit A was paying, on the
3 September bill, \$12.06; and Unit B was paying
4 \$11.25. And this is in September. So comparing
5 months, they both have the same situation. They
6 were both empty.

7 Going back to the next month, which would
8 be October, Unit A had -- was \$11.49, and Unit B was
9 \$10.91.

10 Now, going back to November, Unit A was
11 \$11.65, and Unit B as 12.83, and so they pretty much
12 were close to each other.

13 Now, in December, Unit A was \$13.34, and
14 Unit B was \$13.85; so really close to each other.

15 Now, come back to the February bill, we
16 have -- sorry. I think I skipped a month somewhere.
17 The February bill -- oh, I'm sorry. The January
18 bill was \$26.10 on Unit A. I apologize. This
19 January bill is \$26.10 on Unit A, and \$20.00 on
20 Unit B. That's when they started going a little bit
21 different. We noticed that change; so I called in
22 to the office to find out what was going on, you
23 know, why the price was going up. So they said,
24 "Oh, it's probably the change in weather," and I go,
25 "Oh, well, okay." So I told my husband, "Let's turn

1 these things down because we can't -- you know,
2 they're going up in price."

3 So going back to February, Unit A went to
4 \$62.95 and Unit B stayed at \$26.22. So, you know,
5 that was something that, you know, triggered my
6 complaint. I told my husband, "We need to shut
7 everything off," and up to date, everything has been
8 shut off. Everything. And we realized that, you
9 know, the property will survive without heat in the
10 winter -- or, I mean, in the summer.

11 But we kept them on for the reason that I
12 want to get this solved and understand what happened
13 before I turn them back on and start facing more --
14 you know, prices going up on them. Obviously,
15 Unit B got upgraded in March; so I don't have
16 anything to compare to now, but I just feel like
17 something went wrong.

18 The only thing I can think of is I was
19 present when a representative from the gas company
20 came by and was spraying the meters, and I go, "What
21 are you doing that for?" He says, "Oh, to prevent
22 for moisture getting into the meter."

23 And I didn't think much of it, and now I'm
24 going back to that and thinking, okay maybe that's
25 what caused this. Maybe paint, the spray, the

1 aerosol got in there somehow. I don't know. So
2 when I started thinking this back in June, I went
3 back and looked at Unit B because that's the one
4 that did not change, you know, drastically, and took
5 a picture of the meter. That meter never changed
6 and was never painted, and that's what I think has
7 caused the problem. Obviously, you know, they're
8 saying that the meters are airtight. Well, if
9 they're airtight, why are they spraying them if they
10 don't want moisture in them?

11 And I also took pictures of the meters of
12 the properties in question for the reason that they
13 wanted to, you know, have me send pictures to them
14 and to Dominion to look at.

15 So going back and looking at those meters
16 after, you could tell there's stuff inside. You can
17 barely read the meter, it's so foggy. And I'm
18 thinking headlights and cars. When moisture gets in
19 there, you know, obviously the headlight works, but
20 it's so foggy in there, and there's actual moisture
21 in there that it's, kind of, corroded, that plastic
22 cover. I don't know. I have no idea.

23 I'm just very concerned about this hike
24 that happened, and that's the main reason why I, you
25 know, filed this complaint. And I also have, you

1 know, questions. I mean, when I talked to the tech,
2 he noticed inconsistencies on the bill because I set
3 the bills on the carpet on the floor, and I had him
4 look at them and compare them and discuss them with
5 me, and he noticed also that there was some
6 inconsistencies in the billing and rates, and he
7 said I should bring it up -- and I think in part of
8 my complaint I did bring that up -- and that was his
9 concern.

10 MR. DELANEY: Do you have anything further
11 that you'd like to present, Ms. Darger?

12 THE COMPLAINANT: Well, if you guys want
13 to look at the pictures, I could show you the
14 pictures. If you want to hear the -- I did have an
15 Alexa with me, you know, because since I take him
16 around the properties, I need to make sure that
17 everything that's going on with the properties are,
18 you know -- it's recorded properly in case if
19 something like this happens, I have some of the
20 conversation that I had with the tech about his
21 concerns.

22 MR. DELANEY: Well, okay. So this is your
23 complaint, and therefore it's your burden to prove
24 what it is you're alleging, and therefore you need
25 to provide whatever evidence you have that you think

1 supports your claim -- I should say whatever
2 information you have which supports your claim,
3 subject to its evidentiary value.

4 THE COMPLAINANT: Sure. I just want to
5 get to the bottom of it. You know, I want to
6 understand this. And we kept this on. I mean, not
7 "on" but connected -- paying. We are still, you
8 know, being charged for having the account even
9 though we terminated them for the reason that I want
10 to make sure that we figure out what went wrong so
11 that, once I fire them up, then I'm not facing, you
12 know, the prices, you know, going up a lot, you
13 know. You know, I want them to stay consistent, and
14 the thing is, I had something to compare to. If I
15 didn't have Unit B to compare to, I would have
16 probably said, "Oh, my gosh. Prices are going up."

17 So, you know, what do you do? You pay for
18 them, you know. But I had Unit B to compare to, and
19 on top of that, Unit B had traffic and Unit A didn't
20 because Unit B was getting ready to rent. So I had
21 showings. I had people coming and taking a look.
22 And you can see, as I presented, the bills didn't
23 change. They went up a little bit, you know, but
24 not drastically from, you know, \$26 to \$62, you
25 know, in Unit A, which, that one was pretty much

1 closed and we weren't showing that one yet.

2 So if you want to hear some of the -- what
3 the tech says, you can find that. I mean, it's kind
4 of short and hopefully you can hear it. This is his
5 concern -- his concern with the billing.

6 (The Complainant started to play an audio
7 recording.)

8 THE COURT REPORTER: I can't hear. I
9 can't hear what's being said. It's very muffled.
10 I'm going to need this to be repeated. I cannot
11 hear this.

12 THE COMPLAINANT: Okay.

13 MS. CLARK: I'm also going to object to
14 the use of this audio. We don't have -- we haven't
15 heard it before. We don't know who is represented
16 on it. We don't know where it came from, and we
17 haven't really had the opportunity to review it or
18 to bring the person who is speaking in to speak with
19 you or talk about what happened that day.

20 (The court reporter repeated her comments about
21 being unable to hear the audio.)

22 MR. DELANEY: That's okay. Let me get
23 back to you.

24 Ms. Darger, we are having a problem
25 hearing what it is that you are proffering for us to

1 hear. There is also, I think, more importantly, an
2 objection from Dominion about this -- whatever it is
3 that you're providing here. I think you've
4 represented that it was some sort of recording, and
5 the objection is multi-faceted.

6 One is, they don't know who this is, when
7 it was done, in what circumstance it was done. It's
8 what we call foundation. It's lacking some
9 foundational details.

10 It's also objected to on the grounds of
11 authenticity. That is, how do they know that these
12 foundational details are, in fact, accurate?

13 And then the third ground is that they've
14 never --

15 The third ground was that you've never
16 seen it or you're just not aware of it and it's been
17 sprung on you. Is that right, Dominion?

18 MS. CLARK: I think authentication is
19 really the concern. I don't know which unit this
20 was taken at. I don't know who the speaker is. I
21 don't know if the speaker is one of our
22 representatives or someone else. I have a lot of
23 questions about what this recording purports to be.

24 MR. DELANEY: And I understand your
25 objection. I'm just not going to rule on it yet,

1 but I'm very cognizant of it, and so what I'd like
2 to do is I'd like to try to see if Ms. Darger can
3 establish some, at least, foundation. And then to
4 the extent we can hear it, we'll hear it, and then
5 if we can't hear it, then I'll give her an
6 opportunity to submit it, and you can object a
7 different way, and I will rule on that unless I can
8 make a ruling now. I just want to give as much
9 leeway as possible.

10 So, Ms. Darger, what I'd like you to do
11 before you play this is I'd like you to identify the
12 name of the person -- I'd like you to identify what
13 it is that you're providing here first.

14 THE COMPLAINANT: Yes. This is a
15 recording made of my visit with the technician that
16 was sent out to the address to take a look at the
17 meter.

18 MR. DELANEY: Okay. I'm going to stop you
19 there. I'm going to stop you there because we have
20 to break this up into bite-sized pieces.

21 So you said this is a recording, and you
22 said it's a recording of "the technician." What is
23 the technician's name?

24 THE COMPLAINANT: Okay. Hang on a second.
25 I might have that because I think I have it from the

1 beginning when his call came in. Hang on a second,
2 and I'm going to go back and see if I can get his
3 name. Just a moment.

4 (The Complainant started to replay the audio
5 recording.)

6 MR. DELANEY: Please put yourself on mute.
7 Ms. Darger, could you please --

8 THE COMPLAINANT: I'm sorry?

9 MR. DELANEY: If you are going to play
10 this to find out these facts, please put yourself on
11 mute so we don't hear it.

12 THE COMPLAINANT: Okay. Sorry about that.
13 Thank you.

14 MR. DELANEY: You're welcome.

15 Thank you for everyone's patience. We'll
16 walk through this.

17 THE COMPLAINANT: Hello?

18 MR. DELANEY: Yes.

19 THE COMPLAINANT: The technician that
20 called, it was on August 25 in the morning. He
21 didn't give me his name, but he basically said that
22 he was sent to the home to look at the gas
23 situation.

24 MR. DELANEY: So let me slow you down. We
25 now have -- it's a recording, and we have an unnamed

1 technician, and we have -- ma'am, what was the date?
2 THE COMPLAINANT: August 25th.
3 MR. DELANEY: 2022?
4 THE COMPLAINANT: Yes.
5 MR. DELANEY: And did you say there was a
6 time?
7 THE COMPLAINANT: Let me look at it again.
8 The call came in at 9:29 a.m.,
9 August 25th.
10 MR. DELANEY: This technician who doesn't
11 have a name, did that technician identify for whom
12 he worked or was employed -- was called out for?
13 THE COMPLAINANT: I'm so sorry. I'm
14 trying to understand this thing. I apologize. Can
15 I have a minute to take a look at it better?
16 MR. DELANEY: Sure.
17 THE COMPLAINANT: I'm back. I apologize.
18 I was looking at today's date. I'm sorry.
19 But the call came in on March 30th at
20 9:22, and the technician did not tell me who he was.
21 He just said he was coming to the address because he
22 was sent there. And that was mentioned on my
23 complaint, that the technician questioned the
24 billing.
25 MR. DELANEY: We're not there yet,

1 Ms. Darger. We're still trying to find out who that
2 is. And what we do know is we don't know this
3 person's name, and the last question I asked you is
4 if there's any indication as to whom this person,
5 who is unnamed, worked for.

6 THE COMPLAINANT: Well, he worked for
7 Dominion.

8 MR. DELANEY: How do you know that?

9 THE COMPLAINANT: Because that's what he
10 told me. When he called, he said he -- Dominion
11 sent him to -- and, obviously, I don't live at that
12 address.

13 So when I answered the call, he said, you
14 know, "I'm at the address to look at this."

15 And I go, "Well, I'm not there. I don't
16 live there," and I asked him to give me a few
17 minutes to get there, and he said he would. So when
18 I arrived, he was there waiting for me.

19 Now, it should be on the record that he --
20 that they sent a technician on that date, and he
21 spent a lot of time there because he was very
22 thorough, checking -- making sure that everything
23 was turned off. He checked the meter. Then he
24 said, "I'm going to change it." Then he spent a
25 long time in his truck talking to his supervisor.

1 MR. DELANEY: And I'd like you to tell me
2 that date again. Did you say it was March 23rd?

3 THE COMPLAINANT: Let me look at it again.
4 Yeah. March 30th at 9:22 a.m.

5 MR. DELANEY: March 30. Okay.

6 And your testimony is that you didn't meet
7 with this person, you simply got a call from him or
8 something?

9 THE COMPLAINANT: I met with him. I said
10 he called me. I told him I didn't live there
11 because the unit is empty, and he gave me time to
12 get ready and meet him. So I told him, "Give me 20
13 minutes and I'll be there."

14 MR. DELANEY: Okay.

15 THE COMPLAINANT: And so he met with me.
16 I let him in to look at everything. He went over
17 the bills with me. That's when he expressed his
18 concerns, and then he went out, checked the existing
19 meter, and then says, "You know what? I'm going to
20 change it."

21 MR. DELANEY: So you don't know this
22 person's name. I'm sorry. I was confused. I
23 thought we were dealing with a recording. Now it
24 sounds like you're representing a conversation you
25 had with somebody in person.

1 THE COMPLAINANT: Yes. That recording is
2 that conversation. Obviously not everybody records.
3 For me it's a plus sometimes, you know, but, you
4 know, if I didn't have the recording, I'd tell you
5 the same thing. But now I have the recording to
6 back up what I'm stating, you know, and that's
7 basically what happened. You know, he looked at
8 everything, and he said, you know, that he was
9 concerned about the billing, and, you know, I told
10 him I was worried about that too.

11 So I was more concerned about why it went
12 up so high. You know, I go, "Well, it might be some
13 inconsistencies in percentages, but that doesn't
14 make the bill go from \$26 to \$62, you know?" And
15 then I explained that to him.

16 MR. DELANEY: Okay. Well, thank you very
17 much. And, again, you don't know this person's
18 name; correct?

19 THE COMPLAINANT: Well, he didn't tell me
20 who his name was, and I really -- well, maybe he did
21 and --

22 MR. DELANEY: Ms. Darger, my question is
23 simple. Do you know this person's name? Whether he
24 told you or not, do you, as you sit here now, know
25 his name?

1 THE COMPLAINANT: At this time, no. I
2 would probably have to research to see if he said it
3 at the end of the conversation, but I didn't listen
4 to it in its entirety because it was pretty long.

5 MR. DELANEY: Okay. We've done everything
6 we can to try to get as much foundational
7 information as we can for where this started, which
8 is, you want to play this recording, and there's
9 been an objection on various grounds. And what I
10 want to know from you is: What is this recording
11 going to offer, other than what you've just said the
12 recording says?

13 THE COMPLAINANT: Well, you know, even if
14 I didn't have the recording, I would state that the
15 technician that came out to the address showed
16 concerns with the billing, and he told me -- you
17 know, pretend the recording does not exist -- he
18 told me to address that with Dominion Energy. Call
19 in and find out why their billing was different from
20 one property to the other.

21 MR. DELANEY: Okay. Well, I think before
22 we lodge the objection, I'd like to hear the
23 recording, and I'd like you to put the recording
24 right up to the microphone of the device you're
25 using for this call. And how long is this

1 recording?

2 THE COMPLAINANT: Very -- hang on a
3 second. It's an hour and a half. Yeah. It's a
4 very long one, but let me -- I would have find the
5 section because I had to listen to the whole -- I
6 was listening to it and had been interrupted; so
7 that's why I only got to listen to some of it, but
8 let me see if I can find it for you.

9 THE COURT REPORTER: While she's finding
10 that, may I just ask a question, Mr. Delaney?

11 MR. DELANEY: Sure.

12 THE COURT REPORTER: If she is going to
13 play any of it, are you wanting me to try and
14 capture that on the record because, when she started
15 to play it, it was so muffled, I could barely hear
16 it. So I'm asking, what is your expectation of me
17 in terms of picking up and transcribing this
18 recording through a Webex?

19 MR. DELANEY: Thank you for asking that.

20 What I'd like to do is let her begin as
21 I've instructed, and let's see how the quality of
22 the audio is, initially. I also know before she
23 does that, I want to ask her how long this snippet,
24 so to speak, is because that might dictate what I do
25 immediately thereafter.

1 THE COURT REPORTER: All right.

2 MR. DELANEY: So thanks for everyone's
3 patience. We're indulging the Complainant trying to
4 make her case.

5 THE COMPLAINANT: Just a moment. I'm
6 going to need this -- okay. I'm ready to play that.
7 It's just a small segment.

8 MR. DELANEY: Ms. Darger, I'd like you to
9 be precise. When you say, "small," how long?

10 THE COMPLAINANT: It's probably just, I
11 would say, no more than five minutes. It might be
12 less.

13 MR. DELANEY: Okay. That's going to be --
14 this is not the appropriate way to do this.

15 So this is what I'm going to do:

16 I am going to overrule the objection, and
17 I am, therefore, also, Ms. Darger, going to ask you
18 to submit to the Commission whatever it is that you
19 otherwise would have tried to play here today, and
20 then I will then allow Dominion an opportunity at
21 that point to renew their objection, if they choose
22 to, and I will rule on that accordingly as part of
23 the greater ruling. So --

24 MS. CLARK: May I make a request as well?

25 MR. DELANEY: Yes.

1 MS. CLARK: We'd like to receive
2 submission of the call in its entirety, not just a
3 snippet.

4 MR. DELANEY: I think that's very fair.

5 THE COMPLAINANT: Yes, that's fine.

6 MR. DELANEY: Okay. So that deals with
7 this issue regarding the recording.

8 I want to preempt another one. You
9 mentioned something about some pictures you wanted
10 to show?

11 THE COMPLAINANT: Yes.

12 MR. DELANEY: Okay. What I would like you
13 to do is submit those as well to the Commission
14 along with -- well, to Dominion -- serve all parties
15 with your filing, also with these pictures or
16 whatever it is you otherwise would have submitted
17 today, which we, by the way, would have preferred
18 you had done it before today. But whatever else you
19 think you need to support your case, please submit
20 it.

21 THE COMPLAINANT: Okay.

22 MR. DELANEY: Is there anything else
23 verbally that you want to present in support of your
24 complaint today at this point?

25 THE COMPLAINANT: I think that's basically

1 it. Just my concern about why, you know, the big
2 hike on that usage when the place was empty. You
3 know, I just want to get to the bottom of it.

4 MR. DELANEY: Okay. And so now you've
5 seen Dominion's response to your complaint, and now
6 it's their opportunity to ask you, on
7 cross-examination, questions. I'll remind you that
8 you are under oath, and, therefore, truthful answers
9 and complete answers are expected.

10 We'll let Dominion go ahead and
11 cross-examine you. Okay?

12 THE COMPLAINANT: Sure.

13 MR. DELANEY: Any cross-examination,
14 Ms. Nelson (sic)?

15 MS. CLARK: No. We have no questions.
16 Thanks.

17 MR. DELANEY: I do have a couple of
18 questions for you, Ms. Darger.

19 EXAMINATION

20 BY MR. DELANEY:

21 Q. You made reference a number of times to --
22 that you turned everything off?

23 A. Yes.

24 Q. I don't know what that means. What that
25 tells me is that you had no gas coming into your

1 house. You turned the gas off, is what you said.
2 And then you said, "I turned everything off."

3 (The Complainant speaking over Mr. Delaney.)

4 MR. DELANEY: Hold on a second, ma'am.

5 Are you listening to me? Can you hear me?

6 THE COMPLAINANT: I'm having a little bit
7 of a hard time. Let me see.

8 Okay. I'm back online. Something
9 happened. Can you hear me now?

10 MR. DELANEY: Yes, I can hear you just
11 fine. Can you hear me okay?

12 THE COMPLAINANT: Yes, yes. For a minute
13 I lost you, but now I'm okay.

14 MR. DELANEY: Okay. Well, let me start
15 again. In case you were cut off there, Dominion's
16 counsel has no questions for you, but I have a
17 couple of questions for you. Okay?

18 THE COMPLAINANT: Okay.

19 MR. DELANEY: And you're still under oath;
20 so this is truthful testimony.

21 Q. (BY MR. DELANEY) You made reference in
22 various places that you turned the gas off and that
23 you turned everything off. What I want to know is
24 only with respect to Unit A since that is the only
25 unit at issue here. Only with respect to Unit A,

1 what do you mean that you turned the gas off or that
2 you turned everything off? What does that mean?

3 A. Yes. The unit has only a couple of
4 things, a couple of appliances that use gas. One is
5 the water heater, and the other one is the furnace.
6 That's it.

7 So I asked my husband -- which, he is
8 present here -- to go and just turn them completely
9 -- first, we turned them down. When I still noticed
10 that things were changed, I said, "Turn them down."
11 And then, you know, then I asked him to turn them
12 off. "Go in there and manually, you know, just
13 off."

14 Q. Okay.

15 A. And when the technician came, he verified
16 that.

17 Q. Okay. So what I want to ask another way,
18 then, is: Can you confirm that you did not turn off
19 the gas to this unit outside by the meter or at the
20 meter?

21 A. No. I cannot touch that. But that's what
22 the technicians do. You know, like, if you say, "I
23 want to close my account," they --

24 Q. That's okay. Thank you. I just wanted to
25 ask what you did and --

1 (Complainant speaking over Mr. Delaney).

2 A. I don't like gas and propane. I'm very
3 nervous about it; so I'm very careful. I don't
4 touch it. I always ask my husband to turn things up
5 and things down and check things because I just -- I
6 feel very nervous about gas and propane.

7 Q. Ms. Darger, thank you for answering my
8 question. One thing I didn't tell you to begin
9 with. We have a court reporter who is trying to
10 record by typing our conversation. So I ask you to
11 not interrupt me, and I will try to be better about
12 not interrupting you, and that will go forward also
13 with respect to any further dialog we have because
14 the court reporter has a difficult time taking two
15 conversations down at once. Okay?

16 A. Okay.

17 Q. So I just want to be clear that the gas at
18 the meter was not turned off to your house -- or to
19 Unit A; correct?

20 A. (Inaudible).

21 Q. Did you say, "Correct"?

22 A. I said, "Correct."

23 Q. Thank you.

24 When you asked your husband and then he --
25 when were the appliances -- what dates were the

1 appliances turned off -- at the gas source turned
2 off to the appliances -- or, I'm sorry. Let me
3 restate that.

4 When was the gas turned down for the
5 appliances? What dates?

6 A. We don't keep very good records of that.
7 It was -- they were turned down probably in January
8 when the January bill came and it was doubled. So I
9 thought, Oh, my gosh, turn them down, you know.

10 Q. So that's your best guess is that they
11 were turned down in January of 2023?

12 A. I'm trying to look at the bills because I
13 would call in to the office to see why the bill was
14 changing, and there was nothing really, you know,
15 there's no traffic. It was just -- the place was
16 just not being lived in. So I went up -- yeah. It
17 was in January.

18 And then I got concerned, you know, and I
19 apologize that I'm going to have to talk about the
20 property that was the meeting an hour ago. That one
21 was also giving me a little bit of a hard time.

22 So I go, "You know, just completely shut
23 them off," shortly after.

24 Q. And I am going to interrupt you here,
25 Ms. Darger. Pardon me.

1 My question was: Was it January 2023?
2 And you said, yes, it was January.
3 Did you mean, yes, it was January 2023?

4 A. No. It was -- wait. Yes. '23.

5 Q. Okay. Thank you. Okay.

6 So a couple of other questions I have.

7 You have seen Dominion's response to your
8 complaint; correct?

9 A. Yes. I know that they sent a lot of black
10 pages with nothing on it. I didn't understand why
11 they were all blacked out. There were just tons of
12 black pages.

13 Q. I'm not familiar with what you're saying.
14 I do know that there is some areas where, in
15 exhibits, I believe, for privacy purposes, there may
16 or may not be one or two redactions. Are you saying
17 what you received was black paper?

18 A. Well, it -- white paper was -- big black
19 squares on them, and there weren't one or two.
20 There were many. They are in the other room, and I
21 can go get them if you want me to count the pages
22 for you.

23 Q. Well, I have a specific question about
24 that. So I think why don't you go grab the
25 response, please, and all of its exhibits so you're

1 prepared for this.

2 A. Okay. Thank you.

3 MS. CLARK: If I may clarify, she was
4 emailed a redacted copy but we mailed to her the
5 confidential copy with all the information shown.

6 MR. DELANEY: Oh? Because it was to her
7 mailing address as the customer; so the
8 confidentiality wasn't the issue?

9 MS. CLARK: Correct.

10 MR. DELANEY: So what you filed with us,
11 though, was redacted appropriately?

12 MS. CLARK: So you saw -- the Commission
13 received both so that on the public website you
14 could post a redacted copy that would not disclose
15 her private account information.

16 MR. DELANEY: I understand. Just give me
17 one second to see what I have in front of me because
18 I think I have --

19 THE COMPLAINANT: Okay. I'm back.

20 MR. DELANEY: Thank you. I do want to
21 orient myself for a moment.

22 I understand.

23 Q. (BY MR. DELANEY) Ms. Darger, this
24 document that you're looking at you also received
25 via U.S. mail; correct?

1 A. Yes. And I was pretty lucky that I found
2 them because since the units are empty we don't
3 receive mail there.

4 Q. Well, that was the address that was on
5 file for the complaint; so that's the only way that
6 we know how to communicate with you. But you do
7 have that copy also?

8 A. I've just got it, and I can tell you --
9 one, two, three, four -- after the fifth page
10 there's -- I don't think the pages are numbered,
11 but --

12 Q. Let me interrupt you. I'm sorry. I just
13 want to make clear:

14 I'm asking you about the one you received
15 in the mail that you said you were lucky to get.

16 A. Yes, I did receive it, barely on time.
17 And the reason why --

18 Q. That's okay. Let me continue for a
19 moment. Do you have that in front of you?

20 A. I do. I went and got it, and it's right
21 here.

22 Q. And that one does not have the black that
23 you're talking about; correct?

24 A. Yeah, it does. It has, like, probably a
25 quarter inch of pages just with black squares on it

1 in rectangles.

2 Q. That was the one that you received via
3 U.S. mail or the one you received via email?

4 A. U.S. mail.

5 MS. CLARK: I would encourage her to keep
6 paging because she probably received both. Not
7 "probably." We did send both.

8 MR. DELANEY: Thank you, Counsel.

9 Q. (BY MR. DELANEY) So what I'd like to ask,
10 based on the documents you have in front of you,
11 which, I don't know what that is, I'd like you to
12 look at -- these black pages you're talking about,
13 do they tend to be in the front of the pile or the
14 back of the pile?

15 A. Well, after the fifth page, they are -- my
16 husband is counting them right now to tell you how
17 many there were.

18 Q. That's okay. We don't need a number. I'm
19 just trying to orient you to find out -- find
20 Exhibit D of Dominion's response.

21 MR. DARGER: There's 40 pages of black.

22 THE COMPLAINANT: Yeah. Just to clarify,
23 there are 40 pages of black rectangles.

24 Q. (BY MR. DELANEY) Okay. So if you'll go
25 to the set of documents that are not black

1 rectangles. Do you have those in front of you?

2 A. Are those the ones that come right after
3 those pages?

4 Q. I don't know but I assume so; so please,
5 as Counsel said, page through.

6 A. Okay. I found Exhibit A.

7 Q. Great. If you'll go to Exhibit D, as in
8 Delaney.

9 A. D -- page 1?

10 Q. Yeah. And then it will continue for 21
11 numbered -- well, actually, 35 numbered pages. Do
12 you see that?

13 A. For D?

14 Q. Yes.

15 A. D. Sorry. 36. Yes.

16 Q. Okay. So that looks like bills for
17 Archimedes 5, LLC, from Dominion, is that right?

18 A. That's right.

19 Q. Do you have any reason to dispute these
20 bills, that these bills are what you received
21 starting back with the account summary of
22 10/18/2022?

23 A. Yes.

24 Q. And you don't dispute that you received
25 these; correct?

1 A. I received them.

2 Q. Okay.

3 MR. DARGER: Are these the same as these?

4 THE COMPLAINANT: Oh. Okay. My husband
5 is explaining to me. Just for clarification,
6 English is not my main language; so oftentimes I
7 understand things a little differently. So my
8 husband explains to me a little bit better.

9 MR. DELANEY: Okay. Thank you. And your
10 English is quite good for a second language.

11 THE COMPLAINANT: Thank you. I try very
12 hard.

13 Q. (BY MR. DELANEY) So these bills, these
14 things in Exhibit D is represented by Dominion to be
15 copies of your bills for a period of time that falls
16 within this controversy?

17 A. Yes.

18 Q. And you would have received bills on your
19 own from Dominion, and my question is:

20 Does Exhibit D reflect the bills that you
21 also received when they were mailed and you received
22 them?

23 A. Let me check here. Yeah. They're exactly
24 the same. They're copies of the bills.

25 Q. Okay. Thank you.

1 The last question I want to ask you, and
2 then we'll move along, is:

3 It's unclear to me -- what you've made
4 clear is that Unit A and Unit B have vacancies that
5 overlap, but at some point Unit B became occupied,
6 is that right?

7 A. Correct.

8 Q. Okay. So based on that, that tells me
9 that Unit A stayed vacant; correct?

10 A. Yes.

11 Q. I would like to know, specifically, what
12 dates Unit A was vacant?

13 A. Unit A became vacant in October 31st of
14 2021.

15 Q. 2021?

16 A. It's been vacant for a while.

17 Q. Okay. Is it vacant today?

18 A. It is.

19 Q. So today is 8/25/23. So it's your
20 testimony that between October 31st, 2021, and
21 today, August 25th, 2023, that unit has been vacant?

22 A. Correct.

23 Q. Okay. Thank you.

24 MR. DELANEY: Before I turn the matter
25 over to Dominion, I just want to recap where we

1 stand with respect to any further information that's
2 going to be coming from the Complainant and the
3 objection that I ruled on but that I also said can
4 be renewed.

5 Ms. Darger, you will have ten days from
6 today -- and the clock starts ticking tomorrow --
7 ten calendar days to get filed whatever else it is
8 that you think would help support your case, and
9 that includes what I think you were just trying to
10 tell us about this clip, this audio conversation,
11 and then Dominion made an appropriate request that
12 they also would like the entirety of the
13 conversation.

14 You also mentioned something about some
15 photos or pictures. If you'd like to submit those,
16 that's fine too.

17 Anything that you submit, you've got ten
18 days to do it from -- with the date starting
19 tomorrow, and then Dominion will have five days to
20 respond, whether by way of renewing an objection,
21 responding in some other way in combination with
22 that, or not responding at all. So we have five
23 calendar days for Dominion as well.

24 Are you clear on that, Ms. Darger?

25 THE COMPLAINANT: Yes, I am. But I have

1 one question.

2 MR. DELANEY: Hold on one second. One
3 second.

4 Dominion, is that clear to you?

5 MS. CLARK: Yes. Thank you.

6 MR. DELANEY: You're welcome.

7 Ms. Darger, please ask your question.

8 THE COMPLAINANT: The audio recording is
9 long; so I know that sometimes it's hard to email
10 that. Is there -- I mean, I'm going to try to
11 email. I don't know if that email will go through
12 or load into the -- because it's so big. Sometimes
13 with photographs, it gives you a limit. So I don't
14 know if I'd be limited on that.

15 Just as a question, if I can't get it to
16 go through, what other options do I have to submit
17 that?

18 MR. DELANEY: Ms. Darger, I think you're
19 going to have to figure that out. I can't direct
20 you how to do it or what you need to do here, but
21 perhaps your husband and you could ask somebody else
22 to try to figure out how you can get it in front of
23 us, and what it is that you'd like to get in front
24 of us.

25 THE COMPLAINANT: Yes, I understand that.

1 The only thing I'm asking is:

2 If I need to put it on a drive, what
3 address do I send it to -- or burn it on a CD, you
4 know? That's what I'm talking about.

5 MR. DELANEY: I don't know. Let me see.

6 It's on the response document. Dominion's
7 address, physical address, is provided as well as
8 the name of Dominion's counsel in this matter.

9 So you do have a physical address for
10 Dominion. You have the address for the Public
11 Service Commission.

12 I might be misunderstanding your question.

13 THE COMPLAINANT: Okay. Well, I'm a
14 little confused, but let me see if this is what you
15 meant. So you're saying that I should mail it to
16 Dominion Energy Utah on 333 South State Street,
17 P.O. Box -- right? -- and maybe mail it to the
18 court? If I can find the address, I'm sure I could,
19 or just mail it to the court and then the court will
20 share it with Dominion?

21 MR. DELANEY: Okay. So the court is
22 actually in this case called the Public Service
23 Commission, and on your complaint that you filed
24 back in June, at the very top of that complaint that
25 you handwrote into on that form is the address of

1 the Public Service Commission.

2 And I'm not telling you to do anything.
3 I'm not telling you to mail it, I'm not telling you
4 to email it, I'm not telling you to walk it up here.
5 I'm just giving you physical locations as to how you
6 might be able to facilitate doing what it is that
7 you choose to do if one method doesn't work and you
8 decide to do the other. Do you understand that?

9 THE COMPLAINANT: I understand. I just --
10 when I send -- so should I send it to the Public
11 Service Commission and I also need to send it to
12 Dominion? Both or just one?

13 MR. DELANEY: You need to do what you are
14 required to do under the rules when you serve
15 somebody when you're a party in a proceeding.

16 THE COMPLAINANT: Okay. Because there is
17 a lot of names listed on the email. So probably
18 better if I try to email even if I have to email it
19 in pieces because it would be pretty pricey if I had
20 to send it to everybody that's listed on the email.

21 MR. DELANEY: You need only serve the
22 parties to this case.

23 THE COMPLAINANT: Okay.

24 MR. DELANEY: The parties to this case are
25 you and Dominion Energy. And I encourage you to

1 look at the Public Service Commission's website
2 which will outline the rules under which you need to
3 operate, and that will talk about things like
4 service and stuff like that.

5 THE COMPLAINANT: Okay.

6 MR. DELANEY: But do not send to everybody
7 on the distribution list.

8 THE COMPLAINANT: Okay. Thank you for
9 clarifying that.

10 MR. DELANEY: Okay. I'm glad we got that
11 straightened out, and I am going to try to now just
12 be quiet, and I am going to turn the presentation
13 over to Dominion Energy for it to do what it would
14 like to do.

15 MS. CLARK: Thank you so much. We'll do
16 our best to be brief.

17 We call Elia Lopez as our first witness.

18 MR. DELANEY: Ms. Lopez, are you -- oh,
19 there you are. Hi.

20 MS. LOPEZ: Hi.

21 MR. DELANEY: Do you swear to tell the
22 truth?

23 MS. LOPEZ: I do.

24 MR. DELANEY: Thank you. Please proceed.

25 MS. LOPEZ: Thank you.

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ELIA LOPEZ,

was called as a witness, and having been first duly sworn to tell the truth, testified as follows:

DIRECT EXAMINATION

BY MS. CLARK:

Q. Ms. Lopez, will you please state your name and business address for the record?

A. Elia Lopez.
333 South State Street, Salt Lake City,
Utah 84111.

Q. And what is the position that you hold at Dominion Energy?

A. I am a lead customer relations and energy assistant specialist.

Q. Ms. Lopez, are you familiar with the answer the Company submitted in this docket?

A. I am.

Q. And do you adopt the contents of that docket as your testimony today?

A. Yes, I do.

Q. And are you also familiar with Exhibits A through E that were submitted as part of that answer?

A. Yes.

Q. And is it your testimony today that those

1 exhibits are true and correct copies of the
2 documents they purport to be?

3 A. Yes.

4 Q. And, Ms. Lopez, were those documents
5 created at or near the time those events occurred?

6 A. Yes.

7 Q. And are they kept in the regular course of
8 Dominion Energy's business?

9 A. Yes.

10 Q. And is making such records the ordinary
11 practice of Dominion?

12 A. Yes.

13 MS. CLARK: The Company moves for the
14 admission of DEU Exhibits A, B, C, D, and E.

15 MR. DELANEY: Thank you very much.

16 Ms. Darger, do you have any objections
17 regarding the request for the information that was
18 attached to Dominion Energy's response to your
19 complaint -- do you have any objection to it being
20 admitted as evidence?

21 THE COMPLAINANT: Well, like I said, I'm
22 not an expert at this, but I'm going to try my best.

23 MR. DELANEY: Let me interrupt you for a
24 second. This isn't going to be an opportunity for
25 you to ask questions about what's in that

1 information. It's simply a question about whether
2 or not you object to it being in evidence so it can
3 be discussed.

4 THE COMPLAINANT: Just a moment please.

5 MR. DELANEY: Sure.

6 THE COMPLAINANT: I don't object because
7 they are the bills.

8 MR. DELANEY: Okay. Thank you very much.
9 Your motion is granted, Counsel.

10 MS. CLARK: Thank you.

11 (DEU Exhibits A through E admitted.)

12 Q. (BY MS. CLARK) Ms. Lopez, can you
13 identify for us the date on which the old meter was
14 removed or uninstalled from the Archimedes 5
15 location?

16 A. March 30, 2023.

17 Q. And can you identify the date on which the
18 new meter was installed at that same location?

19 A. March 30, 2023.

20 Q. And was the old meter kept by Dominion
21 Energy for accuracy?

22 A. Yes. Because this customer was concerned
23 that her meter was working improperly, the meter was
24 sent to Dominion Energy's meter testing facility for
25 testing. Utah Administrative Code R746-320-3(H) and

1 Section 8.01 of the Company's tariff provides that
2 meter testing -- meters testing less than 3 percent
3 fast or 3 percent slow do not require a bill
4 adjustment.

5 Based upon the notes documented in DEU --
6 in our Exhibit C, the result of the testing
7 demonstrated that the meter was within the
8 parameters required by the Public Service
9 Commission, and this customer did not qualify for
10 any adjustments to her bill.

11 Q. Does this conclude your testimony?

12 A. Yes.

13 MS. CLARK: Ms. Lopez is available for
14 cross-examination and Commission questions.

15 MR. DELANEY: Thank you very much.

16 Ms. Darger, this is your opportunity to
17 address questions to Ms. Lopez on the information
18 that she just testified about. If you have
19 questions about things that Ms. Lopez did not
20 testify about, she will likely -- cannot answer.

21 So if you have any questions at this point
22 regarding what Ms. Lopez specifically talked about,
23 please feel free to ask.

24 THE COMPLAINANT: Yes.

25 ///

1 CROSS-EXAMINATION

2 BY MS. DARGER:

3 Q. Ms. Lopez, could you please give me the
4 name of the tech that did the swap of the meters?

5 A. I'm afraid (Webex audio cut out).

6 MS. CLARK: If you know it, answer the
7 question. If you don't know it, then you need to so
8 indicate.

9 THE WITNESS: I'm afraid I don't have that
10 information on me today. I would not be able to
11 give that information right now.

12 Q. (BY MS. DARGER) Another question is: Did
13 he submit any kind of concern about the meter?

14 A. The field order -- completed his field
15 order. I do not have that available at this time.

16 Q. Next question is: Did his supervisor
17 submit any kind of information that was relayed to
18 him by the tech?

19 A. I'm afraid I have no record of that.

20 Q. Now, did he put anything on the record
21 that he sprayed the new meter?

22 A. I have no information on that either.

23 But on that one, I'll defer to one of my
24 co-workers to talk about the spraying -- the
25 painting of the meter.

1 THE COMPLAINANT: I think I'm done for
2 now, Your Excellency.

3 MR. DELANEY: Thank you.

4 I have no questions for Ms. Lopez.

5 MS. CLARK: The Company would then call
6 Mr. Jace Gordon as the second witness.

7 MR. DELANEY: Good morning. It is still
8 morning. Do you swear to tell the truth?

9 MR. GORDON: Good morning, Mr. Delaney.
10 Yes, I swear to tell the truth.

11 MR. DELANEY: Thank you. You're sworn.
12 Please proceed.

13 MS. CLARK: Thank you.

14 JACE GORDON,
15 was called as a witness, and having been first duly
16 sworn to tell the truth, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. CLARK:

19 Q. Mr. Gordon, please state your name and
20 business address for the record.

21 A. Jace Gordon.
22 333 South State Street, Salt Lake City,
23 Utah 84111.

24 Q. And what position do you hold with the
25 Company?

1 A. Supervisor, operations training.

2 Q. And are you familiar with the
3 investigation of high bill complaints --

4 A. Yes, ma'am.

5 Q. -- as you have participated in as part of
6 your employment at Dominion Energy?

7 A. Yes, I have.

8 Q. And are you aware that Dominion Energy
9 paints gas meters.

10 A. Yes.

11 Q. Can you describe why meters are painted?

12 A. Yes. Per regulation -- Code of Federal
13 Regulations, Part 192 -- specific section, part
14 192.479, "Atmospheric corrosion control." This code
15 requires that Dominion Energy coat each portion of
16 pipeline that is exposed to the atmosphere with
17 material that is suitable to prevent atmospheric
18 corrosion.

19 Q. And can you describe Dominion Energy's
20 practice in terms of painting meters?

21 A. Yes. As far as painting meters, the meter
22 itself is -- if it's a brand new meter that was
23 painted previously to the tech preceding that and
24 that is painted from the manufacturer or if it's a
25 refurbished meter, that meter is painted by our

1 meter shop, and then the tech responds out on-site.

2 And when any work is performed on that
3 meter set out there on-site, the tech then proceeds
4 to paint the meter set from the service valve to the
5 customer's home.

6 Q. And does Dominion Energy engage in this
7 procedure with all of the meters throughout its
8 system?

9 A. Yes.

10 Q. And were you present earlier in this
11 hearing when the Complainant was talking about
12 witnessing painting of the meter at her location?

13 A. Yes, I was.

14 Q. And when that meter was painted, can you
15 describe the circumstances under which that meter
16 would have been painted?

17 A. If the meter was changed due to, say, a
18 testing for accuracy -- right? -- that meter was
19 changed at that point. Once the change was
20 complete, the final step in that process is to
21 complete the paint.

22 Q. And that would have occurred on the date
23 the new meter was placed?

24 A. Yes.

25 Q. Would the painting of a meter impact its

1 functioning or ability to accurately measure gas
2 usage?

3 A. No. The meter paint is applied to the
4 exterior of the meter.

5 Q. Perfect.

6 MS. CLARK: I have no further questions
7 for Mr. Gordon. He is now available for
8 cross-examination and Commission questions.

9 MR. DELANEY: Thank you very much.

10 Ms. Darger, now is your opportunity to ask
11 Mr. Gordon questions that you may have that are
12 related to what Mr. Gordon just testified about.

13 So please proceed. If Mr. Gordon -- if
14 you ask a question that is outside what he testified
15 about, he very well may not know the answer, and any
16 question you ask, he very well may not have the
17 answer anyway. So please feel free to ask
18 questions.

19 THE COMPLAINANT: Yeah. I was wondering
20 if they could repeat the last question and answer.
21 It was a little fast for me to understand it. Would
22 that be okay if --

23 MR. DELANEY: Hold on one second.

24 Court reporter, can you read back the last
25 question between Counsel and Mr. Gordon?

1 THE COURT REPORTER: Yes.

2 The question was:

3 "Would the painting of a
4 meter impact its functioning or
5 ability to accurately measure gas
6 usage?"

7 Answer:

8 "No. The meter paint is
9 applied to the exterior of the
10 meter."

11 THE COMPLAINANT: Okay. Thank you. I
12 appreciate that.

13 MR. DELANEY: Please proceed with whatever
14 questions you may have, Ms. Darger.

15 CROSS-EXAMINATION

16 BY MS. DARGER:

17 Q. Okay. Mr. Gordon, do you know if those
18 meters are sealed properly where, you know, anything
19 could get into that casing around the needles?

20 A. To the best of my knowledge, Ms. Darger,
21 those meters are pressure-containing devices; so my
22 answer would be no.

23 Q. No, they're not sealed properly?

24 A. They are sealed. They would not allow
25 anything to penetrate.

1 Q. Okay. I was a little confused about the
2 painting process. For a new meter, it gets painted
3 by the manufacturer, or a refurbished meter gets
4 painted at the shop. Do you know why the meter got
5 painted? Just because it got painted, not because
6 it needed to be changed or they just showed up and
7 painted it?

8 A. Typically, part of our procedure is to
9 repaint the meter after we work on it.

10 Q. On my case can you give me a date when
11 that meter got worked on? Because we never had a
12 complaint, we never had any issues with it, and they
13 still came and painted it.

14 A. I apologize, Ms. Darger. I do not have
15 that information in front of me. I cannot speak on
16 behalf of it.

17 Q. Would you be able to research your -- why
18 that meter got painted if it didn't have any issues?
19 This is before we had the problem with the, you
20 know, the price -- the billing spike.

21 A. Our procedures -- we are required by the
22 Code of Federal Regulations to inspect that meter
23 set for atmospheric corrosion any time we're
24 on-site, and part of that procedure is to apply a
25 coating to prevent atmospheric corrosion when the

1 tech has identified that.

2 Q. Now, can we have the name of the tech that
3 sprayed that meter?

4 A. I apologize, Ms. Darger. I do not have
5 that information in front of me, and I'm not aware
6 of that.

7 Q. Okay. Moving on.

8 I was present when the meter was sprayed,
9 and he used a piece of cardboard to spray things.
10 Is that the proper procedure?

11 A. Ms. Darger, I was not on-site to witness
12 this, but I can speak on behalf of your procedure.

13 Our procedure is to protect the
14 surrounding area. So whatever the tech on-site
15 determined to use to protect the surrounding area or
16 structure, that is part of the procedure.

17 Q. All right. Well, if you could get me the
18 name of the tech, I would appreciate it, when you
19 get a chance, I guess.

20 THE COMPLAINANT: And I'm done for this
21 time.

22 MR. DELANEY: Ms. Darger, this isn't a
23 time to ask for -- request for what we would call
24 "Discovery." This is a very atypical -- this is
25 your opportunity to make your case, to argue your

1 case, and to have it responded to. It's not an
2 opportunity to collect additional information for
3 your case.

4 So you made a statement at the end there
5 that was laid with an expectation that Dominion is
6 going to provide you with something. Was that your
7 intention?

8 THE COMPLAINANT: I guess not. I'm just,
9 kind of, curious to see who it was, but I don't know
10 how to ask that.

11 MR. DELANEY: I would just ask:

12 Dominion, do you have any objections to
13 that request?

14 MS. CLARK: I do. I do have objections.
15 I think it's a belated request, and if the identity
16 of our employee is important to the matter at hand,
17 I'm happy to discuss it in a confidential fashion,
18 but we're not comfortable just providing employee
19 information when it's not pertinent to the future of
20 these proceedings.

21 MR. DELANEY: Do you have a response to
22 that, Ms. Darger?

23 THE COMPLAINANT: Well, the reason why I'm
24 getting to that is because I know it wasn't a tech
25 that spray-painted it, but, you know, I guess that's

1 probably an internal thing for them to find out who
2 was the person who did it, but it was not a tech,
3 but I don't know how to express that.

4 MR. DELANEY: Well, explain to me the
5 relevance of the why it is you would want this
6 information.

7 THE COMPLAINANT: Because they are saying
8 they have proper procedures to do this, and that the
9 way I watched it done, you know, it wasn't done very
10 carefully, and I know they were trying to shield the
11 walls with a little piece of cardboard, maybe
12 ten-by-four, you know, holding it. I mean, is that
13 the proper way to do it? I don't know.

14 MR. DELANEY: Okay. Any other response to
15 Dominion's objection, Ms. Darger?

16 THE COMPLAINANT: I just want to know the
17 procedure, I guess.

18 MR. DELANEY: Okay.

19 THE COMPLAINANT: What type of employee
20 this is because they keep saying, "tech," and this
21 person was not a tech; so maybe it was a hired
22 person to go around and spray.

23 MR. DELANEY: Let me interrupt you,
24 Ms. Darger.

25 And I'm going to grant -- I'm going to

1 sustain the objection as to the identify of the
2 employee who did this. I'm not ruling on any
3 objection as to a question regarding a procedure. I
4 think we've heard Mr. Gordon's testimony thus far on
5 their procedures, and I think he's qualified to
6 testify about procedures.

7 And so if you have follow-up questions
8 with respect to procedures, I think you have the
9 right witness in front of you; so please proceed
10 with any additional questions you have.

11 THE COMPLAINANT: Sir, thank you for
12 giving -- for me to clarify in my mind.

13 Q. (BY MS. DARGER) I would like to know the
14 proper procedure of spray-painting these meters.

15 A. So the proper procedure to spray-paint a
16 meter -- not all cases -- right? -- but in some
17 cases -- and as I mentioned before, Ms. Darger, I
18 was not on-site and did not witness the procedure
19 that the tech performed -- but in this case they
20 would protect the surrounding area and then apply
21 coating to prevent atmospheric corrosion.

22 And that is the proper procedure.

23 Q. Can you please clarify what surrounding
24 area you're referring to?

25 A. As mentioned prior, the structure -- and

1 not being on-site, I don't know the surrounding area
2 of the meter set. Typically -- right? -- that is
3 the home or the residence that the meter is attached
4 to.

5 Q. And does the actual cover that seals --
6 supposedly seals the meter needles -- gauges -- are
7 they -- I mean, what do they do about -- how do they
8 approach that?

9 A. I apologize, Ms. Darger. I'm not aware of
10 the needles or gauges you are referring to.

11 Q. Okay. Well, on the face of the meter
12 there's this plastic cover that supposedly protects
13 all the gauges, and when they spray the meter, you
14 know, how do they address that from keeping the
15 spray paint from getting on that part of the meter?

16 A. Ms. Darger, if you're referring to the
17 index on the natural gas meter, paint is not applied
18 to the index -- or to the plastic cover on that
19 component, and, per code, we're not required to
20 apply paint to that portion of the meter.

21 Q. That's correct, but that was not my
22 question. How do you avoid getting paint on that
23 part of the meter or so close to it because it's
24 right on top of it?

25 A. I apologize, Ms. Darger. I was not

1 on-site to witness the tech's process.

2 Q. Yes. But just as training, how do you
3 train your techs to actually spray the meter?
4 Because the meter is not just one piece. It has
5 many components. It definitely -- you said that you
6 don't spray that cover. So how do you avoid getting
7 spray in and around that cover?

8 A. You apply paint around that area of the
9 meter. If additional protection is applied, it
10 could be in the form of cardboard. It could be in
11 the form of tape. It could be in several different
12 forms. It depends on how the individual tech
13 on-site painted that meter set.

14 Q. So do you have any information from your
15 tech of how he sprayed it or any notes or any
16 concerns or any comments on the actual -- you know,
17 what do you call it? -- situation of the meter that
18 when he or she approached it -- I don't know. I'm
19 saying maybe it was hard to get to or maybe it was
20 -- I don't know the condition of the meter. Like,
21 maybe the plastic cover might not be sealed in its
22 entirety.

23 A. I apologize, Ms. Darger. I do not have
24 that information in front of me. The paint is
25 typically applied to the metallic components of that

1 meter set.

2 Q. And do you know the age of the meter that
3 was there when it got spray painted?

4 A. I do not have that information in front of
5 me.

6 THE COMPLAINANT: I think I'm done.

7 MR. DELANEY: Thank you very much.

8 I don't have any questions for you,
9 Mr. Gordon.

10 Counsel, please, unless you have
11 follow-up, feel free to call your next witness.

12 MS. CLARK: I do not. Thank you.

13 The Company calls Mr. Sean Goodfellow, and
14 we'll give him a moment to have a camera placed in
15 front of him.

16 MR. DELANEY: Great.

17 Good morning, Mr. Goodfellow.

18 MR. GOODFELLOW: Good morning.

19 MR. DELANEY: Do you swear to tell the
20 truth?

21 MR. GOODFELLOW: Yes, I do.

22 MR. DELANEY: You're under oath.

23 Please proceed.

24 MS. CLARK: Thank you.

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SEAN GOODFELLOW,

was called as a witness, and having been first duly sworn to tell the truth, testified as follows:

DIRECT EXAMINATION

BY MS. CLARK:

Q. Mr. Goodfellow, I have a couple of very narrow subject matter questions to ask you, but before I do, could you please just state your name and the position you hold with Dominion Energy, for the record?

A. My name is Sean Goodfellow. I'm a technician in the meter shop.

Q. Mr. Goodfellow, are you familiar with DEU Confidential Exhibit C and the letter that Ms. Lopez sent referencing the meter testing in this case?

A. Yes.

Q. And do you have those in front of you? I'm going to hand you and represent to you that that is the letter that we've been discussing today.

A. Yes. Okay.

Q. And Ms. Lopez, in that letter, as you can see, indicated that both Commission regulation and the Company's tariff require meters to be within plus or minus 3 percent in terms of their testing, is that correct?

1 A. Yes.

2 Q. And as you're looking at the result of the
3 testing, can you just describe how the meter at
4 issue in this case tested once it was brought back
5 to the shop?

6 A. Yes. We ran two tests on the meter, one,
7 the full capacity of the meter, which, a residential
8 meter is 200 cubic feet at four ounces. So the
9 first test came out plus 1.0 percent. The second
10 test is 20 percent capacity of the meter or check
11 test, and that's to see what would be used on a
12 small load like a pilot light. And it came out plus
13 1.5 percent. So both within -- under the 3 percent
14 threshold.

15 Q. Thank you.

16 MS. CLARK: I have no further questions
17 for Mr. Goodfellow. He's available for
18 cross-examination and Commission questions.

19 MR. DELANEY: Thank you, Mr. Goodfellow.

20 Ms. Darger, again, this is now your
21 opportunity to ask this witness questions
22 recommended to be specifically relating to what he
23 just testified about. So please proceed.

24 ///

25 ///

1 CROSS-EXAMINATION

2 BY MS. DARGER:

3 Q. Mr. Goodfellow, my question is -- and this
4 is something that I was told; so I'm not an expert
5 on meters or anything like that. I'm learning about
6 it and sharing different things.

7 So is there a way to see if somehow the
8 needles in the meter stick and might give you an
9 improper reading -- obviously not stick forever but
10 stick for a while -- I don't know -- and if it does,
11 would that -- would you be able to see it on some of
12 your testing?

13 A. When we test the meter, in particular when
14 we have one that's brought in -- in this situation,
15 for cause, for a complaint -- not only are we
16 running a test on the internal workings but also the
17 index part is taken off and inspected to make sure
18 there isn't anything hanging up or any hands that
19 are loose on the index. And that was done, and I
20 found nothing wrong with either one.

21 Q. So, basically, if it just sticks for just
22 a little bit, it won't show at all? You won't be
23 able to see that even if it was just for an instant
24 or something like that?

25 A. I'm not sure I follow. In the course of

1 running the test, there's one hand in the front of
2 the index that is the test hand that we watch to
3 make sure that it turns slowly and all the way
4 around in the process of the testing of -- involving
5 the gas.

6 So, as far as my knowledge, this one was
7 fine.

8 Q. So -- but you have those instances happen
9 with other meters where --

10 MS. CLARK: I'm going object to questions
11 beyond the scope. He's testified today about
12 testing of the meter at issue in this case.

13 MR. DELANEY: What's your response to
14 that, Ms. Darger?

15 THE COMPLAINANT: My response is that I
16 was told by the technician that they had had issues
17 with meters that the needles stick. Obviously, he
18 didn't tell me whose or when or how many, but he
19 offered that information to me.

20 MR. DELANEY: I'm not going to overrule
21 the objection.

22 MS. CLARK: Perhaps you can restate the
23 question for the witness.

24 Q. (BY MS. DARGER) Well, have you had meters
25 that come in that, obviously, the techs told you

1 there was an issue with the needles sticking?

2 A. I'm not sure I heard the last of that.
3 You said a tech -- could you repeat that, please?

4 Q. Just if you had techs complaining about
5 meters that had needles sticking.

6 A. I don't recall having anybody complain
7 about needles sticking.

8 Q. So you never had that issue happen before?

9 A. I guess you need to rephrase that. I'm
10 not following.

11 Q. If you have a tech, a tech that complains
12 about a meter having the needles sticking, have you
13 had that come before you at any time?

14 A. I'm still not following. I test meters on
15 a regular basis. If we find one that has an issue,
16 we take that into consideration, and it would be
17 noted on the test results. Our billing department
18 would then take care of the situation, whether it
19 was a problem that needs to be reflected in the
20 bill.

21 Q. So does that mean that you've had those
22 issues, those types of meters come before you or?

23 A. We do have meters that sometimes don't
24 work properly, but that's on an individual basis.
25 And in this case, the ones that we're responding to

1 right now, there was no issues.

2 Q. But that situation has happened before?
3 You had --

4 MR. DARGER: That's what he said.

5 Q. (BY MS. DARGER) -- some meters that might
6 have done that, and how are you able to tell? Are
7 there some that does that all the time, or can you
8 see that maybe a meter has only done it once and
9 then it goes back to working normally? Have you
10 come across that kind of situation, or, basically,
11 when you get it in and you see it running properly,
12 you assume that it's running properly full-time?

13 A. Well, as far as -- I believe what you're
14 referring to -- every meter that we take from the
15 field, when we replace the meters, they all are
16 tested, and every meter, then, depending upon the
17 age of the meter, we repair the meters and put them
18 back out into service.

19 Q. In this particular meter, do you know the
20 age of the meter?

21 A. I don't have that information in front of
22 me, no.

23 Q. I can't remember if I asked the previous
24 gentleman whether he knew that the meter was
25 sprayed. Obviously, it's a different time when it

1 got changed and sprayed again, but I'm trying to
2 gather my thoughts. I apologize.

3 So on your test it tells you if the meter
4 failed. Do you get a history of what the -- how the
5 meter works, is that correct? Like, say, it failed
6 in November but it's working now, would you be able
7 to see in the history if it had any issues
8 throughout that time?

9 A. No. The testing only is what I see in
10 front of me. So when I receive a meter and put it
11 on our equipment and run the test, that's the
12 information that it tells me right then. I don't
13 have access at that time to see any history or
14 anything like that.

15 Q. So, basically, it doesn't tell you that
16 there's been an episode, possibly, where it failed
17 and maybe corrected itself by the time you got it?

18 A. In my experience, if a meter fails, it
19 fails. If it runs fine, it runs fine. And then
20 once it goes through the process of getting repaired
21 and then reissued, then we reissue it.

22 Q. I have another question. When you take
23 this meter, do you take that shield off? Do you
24 take it off, or do you just run the test as is, as
25 it comes in, or do you take the shield off of it?

1 A. Well, in this case, being it was a meter
2 that was removed on a request for a complaint, each
3 one of those -- the index was removed to verify that
4 there isn't any issues with the index turning or any
5 of the hands being loose or gears not lined up or
6 whatever.

7 Any other normal meter that's removed just
8 as part of our meter process -- are the physical
9 sampling program, but that's a different issue. We
10 just test those as they come in, and then they go
11 through the same process.

12 Q. Okay. Now, to your recollection, when you
13 took this meter and took the index off, did you
14 notice anything to that cover, to that plastic
15 cover?

16 A. The only thing I can really go by is the
17 comments that our rep sent in, saying that it ran
18 fine and that the proofs of the test were on the
19 meter.

20 Q. Yeah. This is not about the -- how it
21 runs. I'm talking about the actual --

22 MR. DARGER: Appearance of the index.

23 Q. (BY MS. DARGER) -- appearance of that --
24 the cover. Is the cover the index, or is the index
25 where all the --

1 MR. DARGER: Gauges.

2 Q. (BY MS. DARGER) -- gauges are?

3 A. I really couldn't tell you what the cover
4 looked like. I can only tell you the information
5 that I got from the testing and then what the
6 comments that I recorded at that time, as far as the
7 testing.

8 Q. So you didn't notice anything different
9 other than the meter's appearance and where or --

10 MR. DELANEY: Ms. Darger, I'm sorry. I'm
11 going to interrupt you because these questions have
12 been asked and answered. And just to be courteous
13 to everybody, I don't want to waste time asking the
14 same questions and getting the same answers.

15 So if you have a different question,
16 please feel free to ask it, but if you're asking the
17 same question a different way, please refrain from
18 doing that.

19 THE COMPLAINANT: I'm sorry. I just
20 didn't think he was understanding my question. So I
21 was trying to rephrase it because he's not answering
22 my question, and maybe I'm not being clear enough on
23 expressing myself. So that's why I try different
24 ways to try to get him to understand where my
25 question was going.

1 MR. DELANEY: Okay. Well, let me tell you
2 this. If the issue is you don't like the answer
3 that you're getting, that does not necessarily mean
4 he's not answering the question that you're asking.

5 But if you think there is some confusion,
6 please feel free to ask again, as clearly as you
7 can.

8 THE COMPLAINANT: Okay. My question was
9 not directed to the functionality of the needles --
10 what are they called? -- sorry -- the gauges.

11 My question was about the appearance of
12 that cover because, you know, if the cover is nice
13 and clear, then no moisture or any element would get
14 in there. And I was asking him because if he
15 noticed that the cover, you know, was pretty much
16 all cloudy and not being able to see through, you
17 know, obviously something got in there.

18 MR. DELANEY: Okay. So stop there,
19 please. Your question was there, and that's as
20 clear as it's going to get.

21 THE COMPLAINANT: Okay.

22 MR. DELANEY: So why don't you have the
23 witness answer that question, if it's any different,
24 and then that's, I think, going to cover this topic.

25 THE WITNESS: Okay. As far as I can

1 recall, I don't know what the index glass looked
2 like. I don't recall that specific one. To put it
3 in context, I test hundreds of meters since the time
4 of this last test. So to remember one specific
5 index cover, what it looked like, I wouldn't be able
6 to tell you.

7 MR. DELANEY: Thank you.

8 Does that address your question that you
9 were specifically asking?

10 THE COMPLAINANT: Yes.

11 MR. DELANEY: Wonderful. Good work.

12 THE COMPLAINANT: Thank you.

13 MR. DELANEY: Do you have any further
14 questions for Mr. Goodfellow?

15 THE COMPLAINANT: No. I'm done.

16 MR. DELANEY: Okay. Wonderful.

17 Counsel, any follow-up questions for any
18 of your witnesses?

19 MS. CLARK: No. Thank you so much.

20 MR. DELANEY: I do have one question for
21 you, Mr. Goodfellow.

22 EXAMINATION

23 BY MR. DELANEY:

24 Q. You're familiar with Ms. Lopez's letter
25 dated May 19th in this matter?

1 A. Yes. I have it in front of me.

2 Q. Okay. You have it in front of you? Good.
3 I have it in front of me.

4 So I want you to orient me quickly.
5 You've already testified about this, and your
6 testimony was, in essence, that the plus 01.0 was
7 under 3 percent; correct?

8 A. Correct.

9 Q. If one of these readings was to exceed
10 3 percent, how would that be represented
11 numerically?

12 A. For this example, instead of the check --
13 the first number being 01.0, it would be 03.3, for
14 example.

15 Q. Okay. So the 3 would precede the decimal
16 point?

17 A. Correct.

18 Q. So anything less than 3 preceding the
19 decimal point is below 3 percent and, therefore, in
20 compliance with the tariff, as you understand it?

21 A. Yes. For this example, this would be
22 1 percent. The plus 01.0 stands for 1 percent.

23 Q. Great. Thank you.

24 MR. DELANEY: That's the only question I
25 have for you. I appreciate it.

1 Dominion, do you have any other witnesses
2 that you'd like to call?

3 MS. CLARK: We do not.

4 MR. DELANEY: Anything else from anybody?

5 Hearing nothing, thank you, everybody.

6 This has been a two-hour hearing. I
7 appreciate everyone's input, everyone's
8 participation, and everyone's accommodation.

9 We're going to take the Complaint under
10 advisement and issue a ruling; however, it will be
11 subject to some period of delay relative to,
12 Ms. Darger, whatever it is you submit, if anything,
13 and that which Dominion responds to, if at all.

14 But, otherwise, we're adjourned.

15 Thank you.

16 -o0o-

17 (Hearing concluded at 11:54 a.m. MDT)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) §§
COUNTY OF SALT LAKE)

I, ROSE-MARIE ROBINSON, a Utah Certified Court Reporter and Registered Professional Reporter, hereby certify:

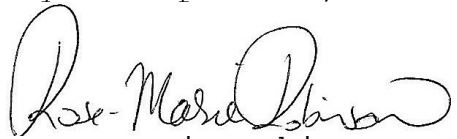
THAT I reported the taking of Hearing, Docket No. 23-057-10, as noticed by the Public Service Commission of Utah, commencing on August 25, 2023, at 10:01 a.m., via Webex videoconference; THAT I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true, and accurate transcription of my shorthand notes.

I further certify that I am in no way related to any of the parties, nor am I in any way interested in the outcome thereof.

There were four witnesses questioned in this hearing: Marcia Darger, Elia Lopez, Jace Gordon, Sean Goodfellow.

- () Review and signature was requested.
- () Review and signature was waived.
- (X) Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 9th day of September, 2023.



Rose-Marie Robinson,
Utah CCR 9884984-7801,
California CSR 14132,
Nevada CCR 986,
Idaho CSR SRL-1089,
NCRA Registered Professional Reporter.

[01.0 - accurately]

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03.3 74:13	20.00 11:19	31st 39:13,20	986 1:24 76:21
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1 37:9 74:22,22	39:20	45:9 50:22	9:00 6:16,18
1.0 64:9	2022 20:3	35 37:11	7:3
1.5 64:13	2023 1:14 4:3,8	36 37:15	9:22 20:20 22:4
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11.25. 11:4	25 1:14 19:20	530-6724 2:5	able 43:6 49:10
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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.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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