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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Formal Complaint of )  
Nicole Rae McLaughlan ) Docket No. 23-057-14  
Lovato against Dominion )  
Energy Utah )  
\_\_\_\_\_ )

VIRTUAL HEARING

Taken on Friday, December 15, 2023

At 10:04 a.m. to 11:34 a.m.

Taken via WebEx with Parties Appearing Remotely

Reported By: Teri Hansen Cronenwett, Certified Realtime  
Reporter, Registered Merit Reporter

A P P E A R A N C E S

Hearing Officer:

John Delaney

For the Complainant:

Nicole Rae McLaughlan Lovato, Pro se

For Dominion Energy Utah:

Jenniffer Nelson Clark

jenniffer.clark@dominionenergy.com

Claire Gillmore

For the Division of Public Utilities:

Brenda Salter

Also Present:

Austin Stewart

Jordan Stephenson

Austin Summers

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

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3  
4 PRESIDING OFFICER DELANEY: Okay. Good  
5 morning. Thank you for indulging me. I had a small  
6 technology problem, not relating to Zoom, believe it or  
7 not. Or pardon me, WebEx.

8 Okay. I am looking on the tiles, and it looks  
9 like everybody who I would expect to be here is here. I  
10 do note a call in, User No. 2. Who is that?

11 MS. NELSON CLARK: That is the sound, the  
12 audio for Dominion Energy. Mr. Stewart and I are in the  
13 same room, and we're using common audio to avoid an  
14 echo.

15 PRESIDING OFFICER DELANEY: Oh, well, great,  
16 and thank you in advance. Okay. Well, let's get  
17 started.

18 Good morning, everyone. My name is John  
19 Delaney, and I am the Commission's designated presiding  
20 officer for this hearing. Today is December 15th, 2023.  
21 It's approximately 10:05 a.m., and this is the date and  
22 time that's scheduled for the evidentiary hearing on the  
23 formal complaint of Nichole Rae McLaughlan Lovato  
24 against Dominion Energy Utah in Docket 23-057-14.

25 I'll begin by saying we do have a court

1 reporter with us today, and the court reporter just  
2 raised her hand. She is going to do her very best to  
3 make sure that she transcribes accurately everything we  
4 say. So in that respect, please make sure that you  
5 articulate as clearly and as slowly as appropriate so  
6 that the court reporter's able to get what needs to be  
7 transcribed.

8 Also, please make sure you're speaking loudly  
9 enough. And I will ask the court reporter to interrupt  
10 if there is any problem with her being able to  
11 transcribe the hearing today. So if you are not loud  
12 enough or if you are not articulating clearly or slowly  
13 enough, I will ask her to just let us know, and we can  
14 reset.

15 Okay. Why don't we start with appearances.  
16 And for the complainant, please state who you are and  
17 whether or not you are represented by counsel today.

18 MS. LOVATO: My name is Nicole Rae McLaughlan  
19 Lovato, and I do not have counsel today.

20 PRESIDING OFFICER DELANEY: Thank you very  
21 much. May I refer to you as Ms. Lovato?

22 MS. LOVATO: Yes.

23 PRESIDING OFFICER DELANEY: Okay. Thank you  
24 very much. And for Dominion?

25 MS. NELSON CLARK: Good morning. I am

1 Jenniffer Nelson Clark, counsel for Dominion Energy. I  
2 have my cocounsel, Clair Gilmore, with me and I also  
3 have Austin Stewart, who will be the witness speaking on  
4 behalf of the company. You will see that on line we  
5 also have Austin Summers and Jordan Stevenson. They are  
6 appearing -- they are not making an appearance. They  
7 are here for -- to observe.

8 And then I do have one preliminary matter  
9 before the hearing commences, if that's appropriate.

10 PRESIDING OFFICER DELANEY: Sure. Let me --  
11 let's park that for one second because I do see a  
12 representative from the Division of Public Utilities, at  
13 least a name that I associate with that entity. Is the  
14 division participating in this hearing today,  
15 Ms. Salter?

16 MS. SALTER: No. We are not participating. I  
17 am just observing today.

18 PRESIDING OFFICER DELANEY: Okay. So that's  
19 Brenda Salter observing on behalf of the Division of  
20 Public Utilities. Thank you. Ms. Clark, let's bounce  
21 back to you, please. Go ahead.

22 MS. NELSON CLARK: Thank you. You will note  
23 that some of the pleadings and the testimony in this  
24 case contain information that was specific to  
25 Ms. Lovato's accountant, and the company has treated it

1 thus far as confidential. We also noted that when the  
2 commission on its website was including comments from  
3 Ms. Lovato, the commission too treated that as  
4 confidential.

5 And I wanted to alert you that in  
6 Mr. Stewart's summary today, he will be referencing some  
7 of that information. So I guess I would ask Ms. Lovato  
8 and the commission whether there is need to close this  
9 hearing.

10 PRESIDING OFFICER DELANEY: Okay. Thank you,  
11 because that was my first preliminary item on my list.  
12 What I'd like to know is, what is the basis for any  
13 claim of confidentiality? And let me begin with  
14 Ms. Lovato. What is the basis for your claim?

15 I am not going to get granular on exactly what  
16 pieces are claimed to be confidential or if the entire  
17 pleading has been claimed as confidential. I'll just  
18 start with asking you, what is it? What is the basis  
19 for you to claim any level of confidentiality?

20 MS. LOVATO: I don't have any basis on that.

21 PRESIDING OFFICER DELANEY: Was there a reason  
22 that you did it to begin with?

23 MS. LOVATO: I don't recall there being a  
24 claim of confidentiality in anything I have ever  
25 written.

1                   PRESIDING OFFICER DELANEY: The formal  
2 complaint was deemed -- well, pardon me. I am now going  
3 off of our website, so that doesn't mean you did what's  
4 reflected here. So give me a moment.

5                   MS. NELSON CLARK: I may be able to shed some  
6 light on that, Mr. Delaney.

7                   PRESIDING OFFICER DELANEY: Please.

8                   MS. NELSON CLARK: The company, just as a  
9 matter of practice, treats all of this kind of  
10 information as confidential because many times pro se  
11 litigants in customer complaints don't appreciate or  
12 understand that they are entering a public forum with  
13 such data. And we have in the past had some  
14 complainants who were surprised by that.

15                   And so it would not surprise me if the  
16 commission treated it as such until we could have this  
17 discussion. I know that's the reason we call things  
18 confidential because we wanted to defer to Ms. Lovato to  
19 make that decision.

20                   PRESIDING OFFICER DELANEY: Okay. Thank you.  
21 That is very helpful. So I will go back then to  
22 Ms. Lovato and restate what I said earlier, which is,  
23 let's say you did not claim any confidentiality.  
24 Confidentiality just existed as a matter of practice.  
25 What is your position on maintaining the confidentiality



1 that has been initiated as a matter of practice versus  
2 not worrying about confidentiality at all?

3 MS. LOVATO: I have no concern over  
4 confidentiality. So I guess the basis would be  
5 dependent on what the court would decide.

6 PRESIDING OFFICER DELANEY: Well, I guess if  
7 you have no concern about the confidential -- the quote,  
8 confidential information that's disclosed in here --  
9 your name is obviously already public as a complainant.  
10 The details, such as perhaps your address, if there's  
11 any account number listed in any of the exhibits,  
12 obviously the numbers, those would be three things that  
13 might not already be quote, unquote, out in the public  
14 sphere.

15 So if you are fine with proceeding, allowing  
16 this to be in essence a public hearing, although there  
17 is nobody from the public attending, but it will result  
18 in a transcript that will have testimony, as Ms. Clark  
19 alluded to, that will be available to the public. If  
20 you are okay with not claiming confidentiality on that,  
21 then you can state here that you waive any claim of  
22 confidentiality, and we can proceed accordingly.

23 If you would, though, like to preserve some  
24 level of confidentiality, just tell me have, and we'll  
25 parse through it.

1 MS. LOVATO: I waive any claim to  
2 confidentiality.

3 PRESIDING OFFICER DELANEY: Okay. And you  
4 understand what that means, correct?

5 MS. LOVATO: Uh-huh. I do.

6 PRESIDING OFFICER DELANEY: Okay. Great.  
7 Dominion, do you have any problem with now proceeding as  
8 if nothing in this docket is confidential?

9 MS. NELSON CLARK: That's fine with us.

10 PRESIDING OFFICER DELANEY: Okay. I am glad  
11 we could work that through. That will be easier for us  
12 to proceed. So given that preliminary matter resolved,  
13 are there any other preliminary matters?

14 MS. NELSON CLARK: None from the company.

15 PRESIDING OFFICER DELANEY: Okay. Ms. Lovato,  
16 did you have any preliminary matters before we jump in  
17 that you would like to address?

18 MS. LOVATO: No. Probably just that I -- I  
19 did pull myself out of the budget bill plan since the  
20 response, the latest response was provided.

21 PRESIDING OFFICER DELANEY: Okay. So I will  
22 ask you a question about that once you are under oath.  
23 So why don't we, if there's nothing preliminarily, why  
24 don't we get going.

25 And Ms. Lovato, since this is your complaint,

1 I'd like to hear from you first. Then we will hear from  
2 Dominion. After you present what you would like to  
3 present, you are subject to being examined or questions  
4 asked of you by Dominion and me. Then we go to  
5 Dominion, and Dominion presents their side. And then  
6 similarly, whomever has testified on behalf of Dominion  
7 will be subject to examination or questions by you  
8 and/or me.

9 So I am just trying to give you the lay of the  
10 land of how we're going to proceed. So let me begin by  
11 swearing you in.

12 Ms. Lovato, do you swear to tell the truth  
13 today?

14 MS. LOVATO: I do.

15 NICOLE RAE MCLAUGHLAN LOVATO,  
16 was called as a witness, and having been first duly  
17 sworn to tell the truth, the whole truth, and nothing  
18 but the truth, testified as follows:

19 PRESIDING OFFICER DELANEY: Okay. You are now  
20 sworn. Since you raised that issue as a preliminary  
21 question, I want to ask you a couple of quick questions  
22 before I let you proceed. So you said you have now -- I  
23 am going to use this phrase "unenrolled." You are now  
24 unenrolled in DEU's budget billing plan, correct?

25 THE WITNESS: Correct.

1                   PRESIDING OFFICER DELANEY:  When did you do  
2                   that?

3                   THE WITNESS:  On -- let's see.  I wrote down  
4                   the date.  November 16th.

5                   PRESIDING OFFICER DELANEY:  Okay.

6                   THE WITNESS:  I paid the remaining balance and  
7                   asked to be removed, unenrolled that date.

8                   PRESIDING OFFICER DELANEY:  Okay.  So based on  
9                   that fact, I have got to ask you this.  In your what I  
10                  call the response to the request for response, so this  
11                  is the last filing that you provided, and that was on  
12                  November 14th, 2023 -- you had proposed in number -- in  
13                  what is numbered two on -- I guess it's the last page,  
14                  that you wanted to have a final payoff and you wanted to  
15                  be on regular billing.

16                  THE WITNESS:  Yes.

17                  PRESIDING OFFICER DELANEY:  Okay.  So it  
18                  sounds like those things have happened?

19                  THE WITNESS:  Yeah, Resolution 2 did.

20                  PRESIDING OFFICER DELANEY:  Okay.  So then  
21                  that takes me then to my other question before I let you  
22                  go here.  I need you to be patient with me, and I need  
23                  you to specifically tell me what it is that you want the  
24                  Public Service Commission to do in this matter,  
25                  especially given that No. 2 has been satisfied.

1           And let me explain to you, because I am  
2           unclear about that based on the filing. So I need you  
3           to be very specific as to what it is you want this body  
4           to do for you now as this matter stands on 12-15-2023 at  
5           10:17 a.m. So I want you to take a minute and tell me,  
6           answer that question.

7           THE WITNESS: As a consumer who's looking to  
8           try to make their personal budget more easily taken care  
9           of, I did not want to pull out of the budget bill  
10          program but had to in order to not feel like I was going  
11          to go through a billing cycle of yo-yoing.

12          So I would end up paying more when a review  
13          was not done annually the first year, and then the next  
14          year it would be less. And then the third year, it  
15          would again be more, and then the fourth year, and it  
16          would take some time for the budget bill to actually  
17          find an even distribution of billing.

18          So as a utility consumer, the budget bill,  
19          when I read it, was supposed to be helpful for me, but  
20          in the end it actually turned out to be very financially  
21          harmful.

22          PRESIDING OFFICER DELANEY: Okay. So thank  
23          you for that. But I need you to answer this question  
24          specifically. Okay? And let me state it again. What  
25          is it that you want the Public Service Commission to do?

1 THE WITNESS: I would like them to require DEU  
2 to only review the first year annually or to only allow  
3 consumers to enter the budget bill program at the month  
4 that would only be reviewed annually.

5 PRESIDING OFFICER DELANEY: Okay. So I heard  
6 two, two items there. Was that your intention, to have  
7 two items?

8 THE WITNESS: Well, depending on what's  
9 easiest for them. If they only -- if they allow the  
10 consumer to enter in the state of Utah in August, the  
11 review would occur annually. Or if they prefer to just  
12 review annually, they need to go by consumer's  
13 enrollment date.

14 PRESIDING OFFICER DELANEY: Okay. Well, I  
15 appreciate your specificity on those two things. I am  
16 going to generally -- I am going to take it up 30,000  
17 feet and say that the overall request is that Dominion  
18 make some structural changes to the way, based on your  
19 experience, its budget billing plan is structured and  
20 administered.

21 THE WITNESS: Correct.

22 PRESIDING OFFICER DELANEY: Okay. And then  
23 within that 30,000 foot, we go down to your kind of two  
24 requests, which could be an either/or?

25 THE WITNESS: Yes.

1           PRESIDING OFFICER DELANEY: Okay. Thank you  
2 very much. Okay. Now I would like you to go ahead and  
3 make whatever presentation you would like. I will  
4 request that you try your best to stay as focused as you  
5 can on the relief that you have just articulated so that  
6 you don't unnecessarily spend a lot of time on things  
7 that aren't related to that. So I will turn the time  
8 over to you, and you are welcome to proceed under oath.

9           Yeah, I --

10          THE WITNESS: Everything --

11          PRESIDING OFFICER DELANEY: Sorry.

12          Ms. Lovato?

13          THE WITNESS: Yeah.

14          PRESIDING OFFICER DELANEY: I'm sorry. You  
15 froze for a moment there. So to the extent you started  
16 speaking, we just heard you now.

17          THE WITNESS: Okay. I can start again.

18          PRESIDING OFFICER DELANEY: Take it from the  
19 top.

20          THE WITNESS: So from a consumer standpoint,  
21 when you look at the billing and assistance program  
22 through DEU online, the material that was provided after  
23 enrollment, and then also into the tariff, you are led  
24 to believe that the reviews will happen annually and  
25 that they will be done evenly.

1           And when my review occurred at the seven month  
2 mark, that allowed them to not take into account the  
3 lowest months' use so that my bill would increase by an  
4 extreme amount for the first year review.

5           In the initial complaint, their response was  
6 they did correct one item, which I very much appreciate.  
7 But there are still multiple items out there that lead  
8 the consumer to believe, when they enroll in the  
9 program, no matter when they enroll. It does not give  
10 dates of review. You are not informed of when the  
11 reviews occur, that you will not be looked at for a year  
12 so that every month will be taken into account after  
13 enrollment.

14           That's my biggest complaint. I think  
15 everything could be resolved in that one issue, and I  
16 would want to be back on the program as well.

17           PRESIDING OFFICER DELANEY: Okay. Thank you.  
18 Any -- anything else as it relates to your complaint  
19 while we are here?

20           THE WITNESS: Just in regards to the tariff as  
21 well talks about that the current rate increases will be  
22 used. And if -- if we truly went by an early review,  
23 you know, that seven month mark, the average for the  
24 rate of that period, because those five months were paid  
25 in full, would have been 7 percent. So I was confused



1 at them wanting to charge a rate of 15 percent across  
2 the board.

3 But again, I think all of that could be  
4 resolved if the program was literally reviewed at the  
5 annual mark.

6 PRESIDING OFFICER DELANEY: Okay. Anything  
7 else for now on this -- on your complaint?

8 MS. LOVATO: No.

9 PRESIDING OFFICER DELANEY: Okay. I --  
10 Dominion, any questions for Ms. Lovato?

11 MS. NELSON CLARK: We don't have any  
12 questions, thanks.

13 PRESIDING OFFICER DELANEY: Okay. Thank you.  
14 I do. So Ms. Lovato, I want to -- some of this is --  
15 should be quite basic, but when did you sign up for  
16 budget billing?

17 THE WITNESS: November of 2022.

18 PRESIDING OFFICER DELANEY: Do you have a  
19 date?

20 THE WITNESS: I believe it was the 18th, or it  
21 might have been the letter I received from them was the  
22 18th. But right around mid November.

23 PRESIDING OFFICER DELANEY: And you said 2022,  
24 correct?

25 THE WITNESS: 2022.

1                   PRESIDING OFFICER DELANEY: Okay. What was  
2 the first billing cycle that the budget billing first  
3 applied to you?

4                   THE WITNESS: December -- the date of the  
5 first bill enrolled would be December 15th, 2022.

6                   PRESIDING OFFICER DELANEY: Okay. Now, when  
7 you say December 15th, 2022, is that the bill due date?  
8 Is that the bill generated date? What is that --

9                   THE WITNESS: I believe it's a statement date  
10 and then the --

11                   PRESIDING OFFICER DELANEY: Statement date?

12                   THE WITNESS: -- the first budget bill paid  
13 was that date.

14                   PRESIDING OFFICER DELANEY: Okay. Do you  
15 understand that DEU bills its customers in arrears?

16                   THE WITNESS: I am not sure what you mean by  
17 that.

18                   PRESIDING OFFICER DELANEY: Okay. That was  
19 going to be my next question when you said yes. We'll  
20 get more color on this from DEU, but the idea here is,  
21 and I am not quite sure, and this is not testimony. But  
22 my understanding is, you use gas. Let's just say a  
23 period of May 1 to April 1. You use gas during that  
24 period.

25                   You are then billed sometime later in May for

1 that usage, and then there is a lag between when that  
2 statement date -- when that statement is issued and then  
3 when payment is due. So at a minimum, let's just say  
4 hypothetically, there's a 30 month -- or 30-day lag  
5 between use and payment.

6 THE WITNESS: Yes.

7 PRESIDING OFFICER DELANEY: Okay. So are  
8 you -- you understand that that's DE -- that's  
9 Dominion's practice, correct?

10 THE WITNESS: Yes.

11 PRESIDING OFFICER DELANEY: Okay. And did  
12 that billing in arrears -- I'll just call it that. Did  
13 that figure into your quite extensive financial  
14 analysis? Because there's a lot of timing going on  
15 here. So did that figure into that?

16 THE WITNESS: Yeah. What I did in all of my  
17 response to the spreadsheets and the billing was just to  
18 point out additional months; as additional months went  
19 forward and payments went forward, how that -- how the  
20 review happened -- wouldn't have happened until the  
21 annual mark, the amount due or the amount they were  
22 billing forward would have exceedingly dropped.

23 So I very much understand how the billing  
24 cycle happens and how I am paying after the fact,  
25 similarly to, you know, a credit card statement. Very

1 similar. I do understand that.

2 PRESIDING OFFICER DELANEY: Okay. So the  
3 debit, credit line on the bills that you get, you  
4 understand reflects a period of time historical, not  
5 present or future.

6 THE WITNESS: Yes.

7 PRESIDING OFFICER DELANEY: Okay. And you  
8 calculated that to the best of your ability into your  
9 analysis?

10 THE WITNESS: Yes. Using their -- all of  
11 their statements I did. Yes.

12 PRESIDING OFFICER DELANEY: Well, you began  
13 without having anything to respond to. So there's a  
14 couple of tranches of different financial analysis. The  
15 first is your complaint. The second is then your  
16 response.

17 So let me be specific and say, in your  
18 complaint's analysis to which you had nothing to  
19 respond, did you figure into that this historical  
20 perspective billing in arrears?

21 THE WITNESS: Yes, I did, but I also noted the  
22 number of months they were including in the review that  
23 were paid in full by me unenrolled in the program. So  
24 they were including months that were completely at a  
25 zero balance that were not an enrollment time frame.

1                   PRESIDING OFFICER DELANEY: But those months  
2 did reflect your usage. Forget about the dollar amount.

3                   THE WITNESS: Yes.

4                   PRESIDING OFFICER DELANEY: It reflects your  
5 usage.

6                   THE WITNESS: Yes.

7                   PRESIDING OFFICER DELANEY: Okay. Because  
8 we -- you understand that that's what this is about,  
9 right? It's about the volume of gas used with a  
10 projection based on historical -- with a price set based  
11 on historical and projected data, correct?

12                  THE WITNESS: I do, but when you take five  
13 months unenrolled at a zero balance, they don't include  
14 those payments in the usage, in the usage amount. So  
15 basically it's zero across the board in their annual  
16 review, like I made no payments for those five months,  
17 when I paid it in full.

18                  PRESIDING OFFICER DELANEY: Okay. I  
19 understand. I understand your argument on that. Okay.  
20 I want to take a look at the tariff for a moment. Do  
21 you have in front of you or available to you a copy of  
22 the tariff, Ms. Lovato?

23                  THE WITNESS: I do.

24                  PRESIDING OFFICER DELANEY: Okay. Great.

25                  THE WITNESS: Uh-huh.

1                   PRESIDING OFFICER DELANEY: So I'd like to  
2 look at the last sentence in the first full paragraph.

3                   THE WITNESS: Uh-huh.

4                   PRESIDING OFFICER DELANEY: And it says, "The  
5 monthly budget plan payment amounts may be adjusted by  
6 the company during the year if actual and accrued  
7 billings deviate substantially or if a rate change of 5  
8 percent or greater is approved."

9                   Do you see that in the tariff?

10                  THE WITNESS: I do.

11                  PRESIDING OFFICER DELANEY: Okay. So tell me,  
12 when you read that, what does that mean to you?

13                  THE WITNESS: Well, I think the first question  
14 would be during the year. So if I am enrolled in budget  
15 billing, I wouldn't expect for them to do a review until  
16 the year mark to see if I am at that 5 percent.

17                  PRESIDING OFFICER DELANEY: Okay. So you are  
18 taking the word "year" to mean kind of the start,  
19 starting the stopwatch when you start, and then the  
20 stopwatch gets turned off in 12 calendar months  
21 thereafter?

22                  THE WITNESS: Yes.

23                  PRESIDING OFFICER DELANEY: So you take "the  
24 year" to be personal to you, not a year?

25                  THE WITNESS: Yes.

1           PRESIDING OFFICER DELANEY: Or the year as it  
2 applies to the plan?

3           THE WITNESS: Yes.

4           PRESIDING OFFICER DELANEY: Okay. So given  
5 that, even as it relates to you, do you still see in  
6 that language that DEU certainly still can make changes  
7 at any time if one of those two conditions apply?

8           THE WITNESS: I think they can.

9           PRESIDING OFFICER DELANEY: That is, the  
10 conditions are, a substantial deviation or the rate  
11 increase.

12          THE WITNESS: Yeah. I -- I very much think  
13 they can do the review, but I -- what I am concerned  
14 with is that this is looked upon as a billing assistance  
15 program and --

16          PRESIDING OFFICER DELANEY: Well, I'm sorry.  
17 Let me -- I am going to interrupt you for a sec because  
18 I want you to stay focused on the facts as they played  
19 out here, not the bigger, the bigger issue.

20          THE WITNESS: Okay.

21          PRESIDING OFFICER DELANEY: I'll let you go to  
22 the bigger issue in a moment. But I don't want to lose  
23 sight of the granularity that we are at right now.  
24 Okay?

25          THE WITNESS: I do believe they have every

1 right to review and obtain their financial amount if it  
2 is due, yes. I do believe that.

3 PRESIDING OFFICER DELANEY: Okay. So, and let  
4 me just recap this, and then we'll go to your more  
5 general proposition. But as it relates to you, if one  
6 of those two conditions, substantial deviation, actual  
7 or accrued billings that substantially deviate from the  
8 amount, or a 5 percent rate increase, then an adjustment  
9 to your account during your personal calendar year would  
10 be appropriate?

11 THE WITNESS: Yes. I do want to point out the  
12 calendar year for review was never informed. So...

13 PRESIDING OFFICER DELANEY: Okay. Okay. No,  
14 no, no, no. That's okay. That's -- but I want -- I  
15 said your calendar year. What I meant --

16 THE WITNESS: Yes.

17 PRESIDING OFFICER DELANEY: -- is when you  
18 started the clock and then when you think the clock  
19 should end.

20 THE WITNESS: Yes, yes.

21 PRESIDING OFFICER DELANEY: Okay. So they are  
22 able to do that in your personal calendar year if one of  
23 those two or both conditions present themselves?

24 THE WITNESS: Yes.

25 PRESIDING OFFICER DELANEY: Okay. Thank you.



1 Now, I cut you off. And you are welcome to talk about  
2 the bigger, the bigger issue I think that you wanted to  
3 talk about. So please proceed if you would like.

4 THE WITNESS: Yeah. Just the idea that this  
5 program is -- especially online, the majority of us look  
6 at things online -- is under their billing and  
7 assistance page leads many of us to believe that it's  
8 going to ultimately be beneficial, really across the  
9 board, you would hope it would be beneficial.

10 But mainly for the consumer, I am looking at  
11 this like it was supposed to be helpful, and in the end  
12 it was very harmful for --

13 PRESIDING OFFICER DELANEY: Okay.

14 THE WITNESS: -- for my bills.

15 PRESIDING OFFICER DELANEY: Okay. So on that  
16 point, let me ask you this question. Have you ever  
17 carried an -- what is referred to as an under-collected  
18 balance with DEU during this period?

19 THE WITNESS: The previous year before, I paid  
20 everything in full. And that's why I could enroll in  
21 the program. And never have I not paid a bill. It's  
22 always been paid. Always been paid.

23 PRESIDING OFFICER DELANEY: Okay. So let me  
24 be specific here. So in this -- and we're just going to  
25 use your personal calendar year in this hypothetical,

1     okay? Because that seems to be where your mind is so  
2     let's stay there for a moment.

3             So during your personal calendar year, and you  
4     were making a payment of what looks like \$117 a month,  
5     was your gas usage, as expressed in dollars owing for  
6     that gas usage, ever more than \$117 in any given month?

7             THE WITNESS: Yes, it was.

8             PRESIDING OFFICER DELANEY: Okay.

9             THE WITNESS: Especially at the time of their  
10    review because they did not include the five lowest  
11    months as an average.

12            PRESIDING OFFICER DELANEY: Okay.

13            THE WITNESS: So yes. It was.

14            PRESIDING OFFICER DELANEY: Okay. And I am  
15    asking you that because you said you got no benefit from  
16    this program, and it strikes me that, are you -- would  
17    you characterize as a nonbenefit being able to pay less  
18    than the cost of the gas that was provided to you?

19            THE WITNESS: Not if, as I understood the plan  
20    to be reviewed at the annual mark. Had it been reviewed  
21    at the annual mark, I would be more than happy to pay  
22    any difference.

23            PRESIDING OFFICER DELANEY: Okay.

24            THE WITNESS: But having been reviewed at the  
25    seven month mark, they got to review without the five

1 lowest months of usage. So had I enrolled in August and  
2 wanted the review done in December, they would actually  
3 owe me money.

4 PRESIDING OFFICER DELANEY: Okay. All right.  
5 So I want your response to something that DEU said in  
6 their request and their response to the request for  
7 response; that is, their filing dated November 14th,  
8 2023. In there they state -- it states that your  
9 account is not and has not been over-collected. What's  
10 your response to that statement?

11 THE WITNESS: That's true.

12 PRESIDING OFFICER DELANEY: Okay. And that is  
13 as of November 14th.

14 THE WITNESS: Yes.

15 PRESIDING OFFICER DELANEY: Okay. So the same  
16 document as of November 14th, and I know facts have  
17 changed a little bit because you are out of the program  
18 and you have paid your balance. They state, or it  
19 states in its response that you have not paid the  
20 under-collected balance which at that point, November  
21 14th, 2023, there was an under-collected balance.

22 THE WITNESS: Uh-huh.

23 PRESIDING OFFICER DELANEY: Is that -- How do  
24 you respond to that? Was that accurate that you had an  
25 under-collected balance that had been unpaid as of

1 November 14th, 2023?

2 THE WITNESS: Yeah. That's correct. It was  
3 the 45.24, I believe.

4 PRESIDING OFFICER DELANEY: Okay.

5 THE WITNESS: 45.24.

6 PRESIDING OFFICER DELANEY: And so how much  
7 did you end up having to pay off to close out of the  
8 program?

9 THE WITNESS: 45.24.

10 PRESIDING OFFICER DELANEY: Okay. And you did  
11 that November 16th?

12 THE WITNESS: Uh-huh.

13 PRESIDING OFFICER DELANEY: Have you yet --  
14 have you gotten another bill since you have gotten off  
15 the program?

16 THE WITNESS: Not yet. I believe it comes  
17 any, any day now.

18 PRESIDING OFFICER DELANEY: Okay. I don't  
19 have any further questions. Dominion, did you have any  
20 follow-up questions for Ms. Lovato?

21 MS. NELSON CLARK: We do not, thanks.

22 PRESIDING OFFICER DELANEY: Okay. Thank you  
23 very much, Ms. Lovato. We are going to move to  
24 Dominion. Ms. Clark, why don't you call your first  
25 witness.

1 MS. NELSON CLARK: Thank you. The company  
2 calls Mr. Austin Stewart.

3 PRESIDING OFFICER DELANEY: Morning,  
4 Mr. Stewart. Do you swear to tell the truth today?

5 THE WITNESS: Yes.

6 AUSTIN STEWART,  
7 was called as a witness, and having been first duly  
8 sworn to tell the truth, the whole truth, and nothing  
9 but the truth, testified as follows:

10 PRESIDING OFFICER DELANEY: Great. I can hear  
11 you, and you are now sworn. Before you guys proceed, I  
12 also want to kind of orient everybody. I'd like you to  
13 proceed however you all have planned. I don't want to  
14 throw a monkey wrench in anything. But I will tell you  
15 what I am specifically very interested in.

16 I am very interested to hear from Dominion  
17 with a specific response that you have to anything that  
18 was raised in Ms. Lovato's reply to Dominion's response.  
19 That was the filing of October 12, 2023. And I am also  
20 very interested in hearing any specific response you may  
21 have to Ms. Lovato's response to the request for  
22 response, which is -- was filed on November 14th, 2023.

23 Now, if -- again, I don't want to throw  
24 everybody off. I'd like you to proceed however you are  
25 going to proceed. And if you want to take a minute

1 after your overall presentation to reorient yourself to  
2 address anything specifically therein that was not  
3 addressed in your original presentation, we're fine to  
4 take a couple of minute break.

5 But I just want to let you know what I am  
6 really interested in. Other than your real  
7 presentation. I am very interested in that too. So why  
8 don't you go ahead as you would like.

9 MS. NELSON CLARK: Thank you. I am hopeful  
10 that the prepared presentation will address those  
11 questions. But we will take advantage of your offer to  
12 indulge us, and we may take a moment after that  
13 presentation to just quickly review the two pleadings  
14 you referenced to satisfy ourselves that we have in fact  
15 covered it all.

16 I believe we have. I am hopeful we have. But  
17 we'll -- if that's okay, we'll proceed, and then we'll  
18 take a moment.

19 PRESIDING OFFICER DELANEY: Yeah, I think  
20 that's fine because, Ms. Lovato, I will give you then  
21 the opportunity to spend a little bit of time with  
22 Dominion's response to the request for response and  
23 raise anything that you would like to raise in response  
24 to that as kind of a rebuttal, so everybody gets the  
25 same -- the same sort of treatment, okay?

1                   Okay. Please proceed.

2                   MS. NELSON CLARK: Thank you so much.

3   EXAMINATION

4 BY MS. NELSON CLARK:

5           Q. Mr. Stewart, please state your name and  
6 business address for the record.

7           A. My name is Austin Stewart. My business  
8 address is 333 South State Street, Salt Lake City, Utah.

9           Q. And what position do you hold with the  
10 company?

11          A. I am a Regulatory Analyst 2.

12          Q. And you are the same Austin Stewart who  
13 submitted prefiled direct testimony in this matter?

14          A. Yes.

15          Q. And Mr. Stewart, you are aware that the  
16 company filed a response and then again a response to  
17 the commission's subsequent request for information.  
18 Were those documents prepared by you or under your  
19 direction?

20          A. Yes.

21          Q. And would you adopt the contents of all of  
22 those documents as your testimony today?

23          A. Yes.

24                   MS. NELSON CLARK: And the company would just  
25 move to admit both his testimony and the pleadings

1 submitted by the commission -- or I'm sorry, by the  
2 company in this matter.

3 PRESIDING OFFICER DELANEY: Ms. Lovato, any  
4 objection to that motion, which is to make of evidence,  
5 of record the evidence that was just referred to?

6 MS. LOVATO: No objection.

7 PRESIDING OFFICER DELANEY: Okay. Your motion  
8 is granted.

9 MS. NELSON CLARK: Thank you so much.

10 Q. (By Ms. Nelson Clark) Mr. Stewart, can you  
11 summarize for Ms. Lovato and for the commission the  
12 company's response to the complaints and the issues  
13 raised in this matter?

14 A. Yes. I will. Good morning, Mr. Delaney. The  
15 company takes the position that it has at all times  
16 acted in accordance with all statutes, rules and  
17 regulatory tariff provisions.

18 Though Ms. Lovato did participate in the  
19 budget billing platform and did have the benefit of  
20 equal monthly payments based upon forecasted usage, she  
21 only paid the actual cost of the natural gas services  
22 she received. The company did not over-collect from  
23 Ms. Lovato, and the company believes that the concerns  
24 she has raised related to her own account have been  
25 resolved.



1           As was noted in my prefiled testimony, the  
2           early months of 2023 saw unprecedented events in the  
3           natural gas commodities market that resulted in  
4           increased rates to customers like Ms. Lovato. While  
5           those customers who were not participating in the budget  
6           billing program experienced those rates in March of  
7           2023, Ms. Lovato and other program participants did not  
8           experience those increases until August, when the  
9           company recalculated and updated the budget billing  
10          amount for each participating customer.

11           Ms. Lovato raised three primary concerns  
12          related to her account. First, her original complaint.  
13          Sorry, first, in her original complaint Ms. Lovato  
14          indicated that she was billed twice for the month of  
15          July 2023. This concern of double billing was a  
16          misunderstanding. In my direct testimony I explained  
17          that Ms. Lovato's bill was adjusted on August 1st, 2023,  
18          and her bill was not paid until August 10th, 2023.

19           This lag in payment caused question for the  
20          account being doubled billed when it was not. This  
21          issue has been resolved.

22           Second, Ms. Lovato indicated in her original  
23          complaint that her monthly budget bill should be based  
24          on the under-collected amount value on August 10th,  
25          2023, of \$529.50, versus the under-collected amount

1 value on August 1st, 2023, of \$646.50. This would  
2 create a budget billing payment of \$186 versus the  
3 assigned amount of \$211.

4 In coordination with Ms. Lovato, DEU changed  
5 her billing amount to the requested \$186. This issue  
6 has been resolved.

7 Finally, in her latest response in the docket,  
8 Ms. Lovato requested to exit the budget billing program  
9 by paying the balance due. As with all budget billing  
10 customers, Ms. Lovato had the option to leave the  
11 program at any time. Ms. Lovato has paid the balance  
12 and is no longer enrolled in the program. This issue  
13 has been resolved.

14 Ms. Lovato has raised four concerns about the  
15 general budget billing program. These concerns test  
16 applicable tariff provisions and are not properly  
17 addressed in this docket. In fact, some of the relief  
18 she requests could require tariff revisions. Though the  
19 company does not believe tariff revisions are necessary,  
20 those concerns should be addressed in a separate docket  
21 when the Utah Division of Public Utilities, the Utah  
22 Office of Consumer Services, and other interested  
23 parties can participate.

24 Nevertheless, I will address each of these  
25 concerns. First, Ms. Lovato suggested that DEU admitted

1 to over-collecting from their customers. As I indicated  
2 in my testimony, the budget billing program is designed  
3 to allow customers to pay an equal payment each month,  
4 and although there will be temporary periods where a  
5 customer may be in an over-collected or under-collected  
6 position, they will ultimately only pay for their actual  
7 usage of natural gas service.

8 To suggest that the company is over-collecting  
9 from customers and keeping the collected money is simply  
10 not accurate. Notably, while the company has adjusted  
11 Ms. Lovato's monthly payment, she has never paid amounts  
12 greater than her actual natural gas usage. Ms. Lovato's  
13 account has not been over-collected.

14 Second, Ms. Lovato suggests that the company  
15 only participate -- second, Ms. Lovato suggests that the  
16 company only allow participant enrollment at one  
17 specific time of year. The company's tariff contains no  
18 such limitation. Further, allowing enrollment at any  
19 time during the year is a benefit to all interested GS  
20 customers. Requiring a specific enrollment period would  
21 be a disadvantage to customers who want to participate  
22 in the program but are unaware of or miss a deadline.

23 Third, Ms. Lovato suggests that the  
24 participants' bills be adjusted only after a full 12  
25 months in the program. The company has purposely

1 designed the program to adjust every participant's bill  
2 at the same time because it is best to adjust budget  
3 bills before the heating season begins and because  
4 concurrent recalculation of billing amounts can be  
5 automated in the company system.

6 An individual review of each participant's  
7 bill at individual one year anniversaries throughout the  
8 year cannot be automated within the company's current  
9 system and would require a significant effort of  
10 manually recalculating each and every bill.

11 Given that the equal monthly payments will  
12 result in a zero balance for each account over time,  
13 such an effort is simply not necessary. If a customer's  
14 bill is significantly over or under-collected, the  
15 company system will flag that account, and the company  
16 will reevaluate those accounts.

17 Finally, Ms. Lovato is also concerned that  
18 budget bill adjustments may not have been made at  
19 current rates. I described the process to calculate a  
20 budget bill in detail in my prefiled testimony. Though  
21 program participants did experience a larger-than-normal  
22 increase to their budget bill amount in August 2023,  
23 that increase reflects the increase that  
24 nonparticipating customers experienced in March of 2023.

25 Again, Ms. Lovato and other customers will

1 ultimately only pay for the actual usage at the  
2 commission-approved rate. The estimated monthly equal  
3 pay amount is just that, an estimate. It does not  
4 reflect actual usage at then effective rates. Customers  
5 who wish to pay for their actual usage at then effective  
6 rates and to have monthly account balance of zero can  
7 simply choose not to participate in the budget billing  
8 program and pay their bills on time.

9 In conclusion, the company has at all times  
10 acted in accordance with its tariff and applicable  
11 statutes, rules and regulations. The issues Ms. Lovato  
12 raised related to her own account have been resolved,  
13 and issues related to the program itself are not  
14 properly addressed in this docket.

15 Therefore, the commission should dismiss  
16 Ms. Lovato's complaint and deny the relief she has  
17 requested. This concludes my summary.

18 MS. NELSON CLARK: So the company at this time  
19 would request a five minute recess to review the two  
20 pleadings referenced earlier to ensure that we feel that  
21 we have adequately addressed the issues raised in those.

22 PRESIDING OFFICER DELANEY: Thank you very  
23 much. Ms. Lovato, do you have a problem with taking a  
24 five minute break and granting the request for a recess?

25 MS. LOVATO: That's good.

1           PRESIDING OFFICER DELANEY: Okay. Let me  
2 encourage you, Ms. Lovato, to please take a look at  
3 anything you might want to raise in response Dominion's  
4 November 14th response to the request for response.  
5 Okay?

6           MS. LOVATO: Sure.

7           PRESIDING OFFICER DELANEY: Okay. I have got  
8 10:49. Let's reconvene at 10:55.

9           MS. LOVATO: Perfect, thank you.

10          PRESIDING OFFICER DELANEY: Thank you. We are  
11 in -- we will be in recess.

12           (Recess from 10:49 a.m. to 10:55 a.m.)

13          PRESIDING OFFICER DELANEY: Was that an  
14 adequate amount of time for Dominion?

15          MS. NELSON CLARK: It was, thanks.

16          PRESIDING OFFICER DELANEY: Okay. And  
17 Ms. Lovato, was that an adequate amount of time for you?

18          MS. LOVATO: It was, yes.

19          PRESIDING OFFICER DELANEY: Okay, great.  
20 Let's -- we're back on the record. So let's continue  
21 with Dominion at this point.

22          MS. NELSON CLARK: Thanks so much. After  
23 having the opportunity -- thank you, by the way. Having  
24 the opportunity to go back and refresh our memories  
25 about the comments Ms. Lovato submitted, we feel

1 satisfied with our summary, and Mr. Stewart is available  
2 for cross-examination, commission questions.

3 PRESIDING OFFICER DELANEY: Okay. Thank you  
4 very much. So Ms. Lovato, this is your opportunity now  
5 to ask Mr. Austin -- sorry, Mr. Stewart, questions based  
6 on the testimony he has just provided or any other  
7 questions that you have from any of the filings that  
8 have been admitted into evidence. So please proceed.

9 EXAMINATION

10 BY MS. LOVATO:

11 Q. I think my only question was, in regard -- in  
12 reference to Item 3, when he stated that all of this  
13 would end up being equal over time. Does DEU, do they  
14 know when that equality tends to occur if a review is  
15 done ahead of the annual mark?

16 A. So if I understand your question correctly,  
17 within my summary and in my testimony, I have referenced  
18 that over time our goal is to ultimately have an account  
19 balance of zero. And so as we do our recalculations, we  
20 are aiming to get that account back to zero. If there  
21 is an account that's highly over-collected or  
22 under-collected, that flags our system, and we are  
23 willing to adjust. But ultimately we're trying to get  
24 to a zero balance over time.

25 Q. So in the case of my account, at the point of

1 review, the amount to get out of the program was \$646.50  
2 that I could have paid the bill then, and just four  
3 months later, with payments included, it was \$45.24. So  
4 that overage would actually be held in your hands up to  
5 this -- up to this mark had I agreed to the program.  
6 And what you are saying is over time that becomes more  
7 equal, more balanced?

8 A. I mean, so if I am understanding your question  
9 correctly, yes. That balance, as you pay your budget  
10 bill towards it, it will offset. So in August, if your  
11 bill is lower, and budget bill is higher, that extra  
12 amount between the two is going towards your account  
13 balance. So yes, over time it should dwindle. Your  
14 account balance should get closer and closer to zero.

15 Q. Okay. So I am just saying, you would have  
16 held in essence \$600 in excess. Had I gone along with  
17 the program up to this point, you would have held that  
18 in excess. Had we gone clear to the review at August of  
19 2024, you would have held in excess 600 dependent upon  
20 usage?

21 A. So I -- and let me just clarify. The \$600  
22 that we're talking about is the 600 that was owed on  
23 your account, gas that was already used by you. And  
24 yes, that balance would sit on DEU's books until you had  
25 paid that over time with your budget bill.



1 MS. LOVATO: Okay. That's -- that's  
2 everything.

3 PRESIDING OFFICER DELANEY: Okay. Thank you  
4 very much. I do have some questions, Mr. Stewart. I  
5 want to start right there. So there was an outstanding  
6 balance based on usage, which, as a consumer myself, my  
7 usage goes up and it goes down.

8 THE WITNESS: Correct.

9 PRESIDING OFFICER DELANEY: There was a  
10 \$600 -- whatever the exact number is, roughly \$600  
11 amount owing for gas that had been provided to the  
12 customer, correct?

13 THE WITNESS: Correct.

14 PRESIDING OFFICER DELANEY: Okay. And so had  
15 that been paid at that time, the \$600 bill, that payment  
16 would have simply satisfied the bill that was  
17 outstanding for gas previously provided. Is that  
18 accurate?

19 THE WITNESS: That is correct.

20 PRESIDING OFFICER DELANEY: Okay. But because  
21 of the budget billing program, the \$646 or whatever it  
22 was, was actually, instead of being due and payable for  
23 gas already received, was in essence averaged and  
24 included to future payments. Is that accurate?

25 THE WITNESS: Yes. That is. That is

1 accurate.

2 PRESIDING OFFICER DELANEY: I think I  
3 understand your spreadsheets then. But in any event,  
4 whether it's \$600 or \$200 or \$100, the point is that the  
5 gas has been delivered for that amount that's owing,  
6 right?

7 THE WITNESS: Correct.

8 PRESIDING OFFICER DELANEY: Okay. And then  
9 because of the program, it allows a consumer to avoid  
10 having to pay that \$600 but instead roll it into future  
11 payments to thus make it less significant from a cash  
12 flow perspective immediately. Is that accurate?

13 THE WITNESS: Yes. The -- yes, exactly. That  
14 whatever is owed on their account, we spread it out over  
15 time. The customer does not have to pay it on that date  
16 but will pay it over the coming year.

17 PRESIDING OFFICER DELANEY: Okay. Okay. So  
18 thank you for that. How many budget billing  
19 customers -- I don't know what time frame within which  
20 to ask this question. But I'll just ask it now. How  
21 many do you have right now?

22 THE WITNESS: I don't have access to that  
23 information. Well, as of where I am at right now, I  
24 don't know that answer.

25 PRESIDING OFFICER DELANEY: Okay. Do you have

1 any guess as to how many?

2 THE WITNESS: I -- I do not, no. That  
3 information hasn't come to me.

4 PRESIDING OFFICER DELANEY: Okay.

5 MS. NELSON CLARK: If it would be helpful to  
6 the commission, we would be happy to supplement the  
7 testimony today with a response in writing that just  
8 identifies that amount. We can find that for you.

9 PRESIDING OFFICER DELANEY: No. I don't -- I  
10 want the pleadings to be closed in this case.

11 MS. NELSON CLARK: Okay.

12 PRESIDING OFFICER DELANEY: So at this  
13 point -- well, you can --

14 MS. NELSON CLARK: -- find out.

15 (Talking at once.)

16 THE COURT REPORTER: I'm sorry. Would you  
17 both say that again. It was all at once, and I missed  
18 both of them.

19 PRESIDING OFFICER DELANEY: Please, Ms. Clark,  
20 you first.

21 MS. NELSON CLARK: I was going to offer to  
22 take a brief break and find that number for you, and  
23 then he could offer it as testimony.

24 PRESIDING OFFICER DELANEY: Well, Ms. Lovato,  
25 let me ask you this. The reason I am curious about this

1 is because, as you focused early on what it is you  
2 really want here, it seems to me that it impacts many,  
3 many, many more than just you. Would you agree with  
4 that?

5 MS. LOVATO: Yes.

6 PRESIDING OFFICER DELANEY: Would it be of  
7 interest or of help for you to have a sense of how many  
8 people this might affect? And I am not telling you this  
9 because you are going to get what you want or anything.  
10 But it seems like it might be germane for you to  
11 understand that. Is that something that would be of  
12 interest to you?

13 MS. LOVATO: I would be interested to know  
14 that.

15 PRESIDING OFFICER DELANEY: How difficult,  
16 Ms. Clark, would it be to just give me a ball -- I mean  
17 just get Mr. Stewart to give me a ballpark?

18 MS. NELSON CLARK: If you can give me about  
19 two minutes, I can probably have better than a ballpark.

20 PRESIDING OFFICER DELANEY: Okay. Do you  
21 understand where I am going with this question,  
22 Ms. Clark?

23 MS. NELSON CLARK: I believe so. Yeah.

24 PRESIDING OFFICER DELANEY: Okay. Okay.  
25 Don't go too far. But all right. Why don't we do that.

1 If everybody agrees with that, let's go -- let's take a  
2 recess for two minutes. So sorry, Ms. Lovato.

3 MS. LOVATO: May I ask as well for how many  
4 individuals were in their first year review?

5 PRESIDING OFFICER DELANEY: I don't want --  
6 no. And the reason is, is because that will be -- that  
7 is going to take some analysis as far as I can guess.  
8 And that to me is not part of the bigger issue. And I  
9 am trying to stay up here at 50,000 feet with where I  
10 think you are currently with your complaint. And I  
11 don't want to go any lower than that. So do you  
12 understand why I don't think that's a good idea?

13 MS. LOVATO: Yes, yes.

14 PRESIDING OFFICER DELANEY: Okay. So let's  
15 take a break until 11:08. And we'll get back then.  
16 Thank you. We're in recess.

17 (Recess from 11:06 a.m. to 11:09 a.m.)

18 PRESIDING OFFICER DELANEY: Let's go back on  
19 the record. It's 11:09. Mr. Stewart, do you know how  
20 many roughly?

21 THE WITNESS: Yeah. So the ballpark estimate  
22 that we received was 250,000. They are trying to get us  
23 an exact number, which is actually, as I am getting it  
24 now, 188,000 and one customers.

25 PRESIDING OFFICER DELANEY: Okay. Thank you

1 very much. Okay. The questions I have for you are  
2 in -- I tried to organize them, but of course, they --  
3 the organization got lost, so I am just going to kind of  
4 run through them.

5 I do have a couple of housekeeping -- well,  
6 characterize as housekeeping questions I want to  
7 double-check. On your testimony on page 5 Line 108, you  
8 have used the date December 15th, 2023. Did -- is that  
9 typo and you mean 2022?

10 THE WITNESS: Looking at it here, I believe it  
11 is a typo.

12 PRESIDING OFFICER DELANEY: Okay.

13 THE WITNESS: Yes.

14 PRESIDING OFFICER DELANEY: Yes, it is a typo.  
15 Okay.

16 THE WITNESS: Yes.

17 PRESIDING OFFICER DELANEY: Okay. Then you  
18 continue -- well, you don't continue. You back up. On  
19 page 4 of your testimony, on line 99 through 103, I  
20 don't know if this is substantive, and that's why I have  
21 to ask. You talk about Exhibit 1.03. And there's two  
22 pages, one of one -- or one of two and two of two.

23 THE WITNESS: Okay.

24 PRESIDING OFFICER DELANEY: And there's a  
25 distinction about how on the second page has a Column F

1 and that that's distinct from the first page.

2 If you are with me on your testimony, then the  
3 question becomes --

4 THE WITNESS: Yes.

5 PRESIDING OFFICER DELANEY: -- I don't see a  
6 difference between those two pages, and so I am  
7 concerned that I am missing something.

8 THE WITNESS: Yeah. So with that, the only --  
9 so page 1 is data pulled directly from the billing  
10 system. Page 2, I have edited Column F of the exhibit  
11 to reflect equations in there so you can easily follow  
12 along what the math is behind that balance. Other than  
13 that, the values of both pages are the exact same.

14 PRESIDING OFFICER DELANEY: Okay. Hold on one  
15 sec.

16 THE WITNESS: Okay.

17 PRESIDING OFFICER DELANEY: I am trying to  
18 digest what you just said. So if I look at these  
19 facially, I am not seeing any difference. And I'm  
20 not --

21 THE WITNESS: Correct.

22 PRESIDING OFFICER DELANEY: I'm sorry. A hard  
23 copy printout, I am not seeing any difference facially.

24 THE WITNESS: Correct.

25 PRESIDING OFFICER DELANEY: Your distinction

1 is the source from which this data was pulled, and the  
2 conclusion is, it still reflects the same facial data.

3 THE WITNESS: Correct. And let me expound a  
4 little bit on that. So yes, so page 1 direct data from  
5 the billing system. Page 2, you could say that I  
6 have -- I wouldn't say I manipulated the data. But I  
7 have put in an equation that shows in Column F how it's  
8 being calculated. So both pages should show the exact  
9 same numbers, exact same values.

10 PRESIDING OFFICER DELANEY: Okay. So the  
11 underlying data or the formulas are what have changed  
12 to --

13 THE WITNESS: Correct.

14 PRESIDING OFFICER DELANEY: -- that column F  
15 in page 2?

16 THE WITNESS: Correct.

17 PRESIDING OFFICER DELANEY: Okay. Okay.  
18 Thank you for that clarification. I just wasn't  
19 following. In the response to which your testimony was  
20 attached there's a reference to some sort of subsequent  
21 adjusted amount on page 3. It's at the top.

22 Given what I have heard provided today by both  
23 parties, I think I might know, but what -- what is --  
24 what is that? What is that referring to?

25 THE WITNESS: So you're referencing -- so page



1 3 of DEU's response, the first paragraph on that page.

2 Is that what you are referring to?

3 PRESIDING OFFICER DELANEY: Yeah. I am sorry.  
4 So let me read it. So it says, "As set forth more fully  
5 in Mr. Stewart's testimony, the company properly  
6 calculated her budget bill amount," comma, "and  
7 subsequently adjusted that amount to reflect the payment  
8 that occurred after the original budget bill  
9 calculation."

10 So my question is, I think this is the payment  
11 that came in on August 10th, as opposed to when the  
12 amount was set on August 1st. But I am not sure. Is  
13 that what you are referring to there?

14 THE WITNESS: Yes. That's correct. So my  
15 exhibit for my testimony, 1.01, will walk you through  
16 the calculation of the August 1st payment. And then  
17 once we receive that August 10th payment with the  
18 request of Ms. Lovato, we did a recalculation to get  
19 to -- I believe it went from \$211 to \$186.

20 PRESIDING OFFICER DELANEY: Okay. Thank you.  
21 Because that was going to be my next question, is how do  
22 we end up at that revised -- downward revised number.  
23 And what I heard you just say is, that was the result of  
24 the timing of that first \$117 payment relative to the  
25 program design versus the receipt of that amount. And

1 then that amount was received, and a recalculation was  
2 done based on that new received amount, which resulted  
3 in \$186?

4 THE WITNESS: That is correct.

5 PRESIDING OFFICER DELANEY: Okay. Which I  
6 think answers the other question. There was a  
7 allegation in the complaint that in a conversation  
8 Ms. Lovato had with Ms. Lopez of DEU, that when that  
9 conversation occurred, the IT system produced a equal  
10 payment of \$211 but Ms. Lopez's manual calculation  
11 resulted in a payment of \$186.

12 Taking for purposes of this question that that  
13 is an accurate representation of the conversation with  
14 Ms. Lopez, would that explain, if that happened, why  
15 there was that difference between the IT system's number  
16 and Ms. Lopez's manual number, the explanation being the  
17 timing of that first \$117 payment?

18 THE WITNESS: Yes, because essentially her  
19 account balance was reduced, and so that's why the new  
20 average bill was reduced as well.

21 PRESIDING OFFICER DELANEY: Great. Okay.  
22 Thank you very much. Does the billing in arrears  
23 concept, Mr. Stewart, have any relevance here to the  
24 entire docket in front of us, not -- not -- let's  
25 specifically focus on Ms. Lovato's complaint.

1 Does the billing in arrears have anything to  
2 do with any of the calculations that you have seen from  
3 Ms. Lovato in this matter?

4 THE WITNESS: If we are talking about  
5 calculations, I would say that a budget bill could be  
6 calculated different, as we have seen with Ms. Lovato,  
7 with the 211 being different than the 186. But  
8 ultimately, from the program as a whole, the customer is  
9 going to end up paying what the actual amount of gas  
10 that they used.

11 And that budget billing monthly payment is  
12 just an estimation. So whether a customer is paying 186  
13 or 211, the company is going to ultimately try to get  
14 back any money for gas that was used and try to keep  
15 that account as close to zero as possible.

16 PRESIDING OFFICER DELANEY: Okay.

17 THE WITNESS: So I would say overall it  
18 doesn't -- it's not very applicable.

19 PRESIDING OFFICER DELANEY: Okay. Okay. In  
20 DEU's response dated October 5th, 2023, there's  
21 information that says that when the plan year is, August  
22 to July. Does that sound familiar?

23 THE WITNESS: Yes. It does.

24 PRESIDING OFFICER DELANEY: Okay. How are  
25 DEU's customers notified? How do they learn that that

1 is the plan year, August to July? Because I'll tell  
2 you, I don't see it in the tariff. So how is it that  
3 customers know that this is the plan year?

4 THE WITNESS: Give me just one second.

5 PRESIDING OFFICER DELANEY: Okay. Yeah,  
6 please take your time.

7 THE WITNESS: So --

8 PRESIDING OFFICER DELANEY: Excuse me. Pardon  
9 me. I have to shut my door. Somebody's drilling  
10 outside. Hold on.

11 THE WITNESS: Oh, okay.

12 PRESIDING OFFICER DELANEY: Sorry about that.  
13 Some construction is being done in our office.

14 THE WITNESS: No problem. So I am going to  
15 refer you to my exhibit from that same filing that was  
16 on October 5th.

17 PRESIDING OFFICER DELANEY: Yes.

18 THE WITNESS: The DEU confidential Exhibit  
19 1.04. This is an example of a welcome letter that we  
20 send to each customer that enrolls in the program. As  
21 you see --

22 PRESIDING OFFICER DELANEY: Excuse me one  
23 second. Is that the letter dated 11-18-2022?

24 THE WITNESS: Correct.

25 PRESIDING OFFICER DELANEY: Okay.

1           THE WITNESS: Yes. So this is an example of a  
2 letter that we send to every customer. It isn't  
3 specifically stated in there that we adjust bills in  
4 August, but it does let customers know throughout the  
5 year we can adjust their bill up our down, and  
6 truthfully, the company does do that. Overall we will  
7 do typically an -- for every customer in August. That's  
8 been our typical practice.

9           But we will adjust bills. So a customer that  
10 has a very high or low collection, very highly  
11 over-collected or under-collected, we will adjust  
12 throughout the year, and customers are notified that  
13 that could happen.

14           PRESIDING OFFICER DELANEY: Okay. But so --  
15 but my question still remains, which is how is it that  
16 customers know that the plan year is August to July?  
17 And what you just told me -- this is -- I don't want to  
18 put words in your mouth, but this letter doesn't say  
19 that.

20           THE WITNESS: And I -- yeah, I will admit that  
21 this letter does not say that. From my knowledge I  
22 don't know if we advertise that our budget plan year  
23 ends in August. But customers are notified that their  
24 bill could change throughout those 12 months.

25           PRESIDING OFFICER DELANEY: Okay. So I guess

1 the fair characterization to my question to you is, you  
2 just don't know at this point?

3 THE WITNESS: Correct.

4 PRESIDING OFFICER DELANEY: Okay. And that's  
5 fair. Okay. On that same document there is also an  
6 assertion, and I don't know that -- I guess you are on  
7 the stand, so you will testify to it.

8 In the next sentence -- I'm sorry, the next  
9 paragraph on page 3, there is an assertion that the  
10 tariff expressly provides that a recalculation will  
11 occur at the end of the budget plan. And that's  
12 approximately the second sentence in that paragraph.

13 Can you see that where it says the tariff  
14 expressly provides?

15 THE WITNESS: Could you tell me what line that  
16 is on? I do not see it.

17 PRESIDING OFFICER DELANEY: That's okay. It's  
18 actually in the pleading so it's not lined out.

19 THE WITNESS: Oh.

20 MS. NELSON CLARK: I can't give you a line  
21 number. I can just tell you that it's on page 3. It's  
22 the second full paragraph, and it --

23 THE WITNESS: Okay.

24 PRESIDING OFFICER DELANEY: -- appears to me  
25 to be the second sentence in that paragraph. It begins

1 with "indeed."

2 THE WITNESS: Okay. Yes. I do see that.

3 PRESIDING OFFICER DELANEY: Do you see that?

4 Okay.

5 THE WITNESS: So it's -- uh-huh.

6 PRESIDING OFFICER DELANEY: So I want you to  
7 look at the tariff, and I want you to show me where in  
8 the tariff that such an express statement is made.

9 THE WITNESS: So if you go to Section 8.05 --

10 PRESIDING OFFICER DELANEY: Okay.

11 THE WITNESS: -- of the budget plan, or yeah.  
12 So it's listed budget plan. In the second paragraph the  
13 tariff states that, if at the end of the budget plan  
14 year there is an over-payment or an under-payment on an  
15 account, the customer's projected monthly budget plan  
16 payment amount will be adjusted. And then it goes on  
17 from there. But that is where it's found.

18 PRESIDING OFFICER DELANEY: Okay. So based on  
19 what you just said, that language from the tariff is  
20 what you would characterize as an express statement that  
21 recalculations will occur at the end of the budget year.

22 THE WITNESS: Correct.

23 PRESIDING OFFICER DELANEY: Okay. Thank you.  
24 Okay. Give me just one more second to look at a few  
25 things.

1           Okay. I think one more question. It's kind  
2 of a general question that I think would be helpful for  
3 me, and do your best because you talked about it a  
4 little bit earlier. But so if there is a rate increase,  
5 let's just use the -- a pass-through example. Let's use  
6 the examples in this case. How is it then that those  
7 are -- I am having a hard time understanding how those  
8 get figured in to somebody who is on the budget plan.

9           So let me give you a hypothetical. Somebody  
10 who joins the plan in March of 2022. See, this is going  
11 to be hard for me to explain. Let's see. So somebody  
12 begins -- somebody begins the plan, let's just say that,  
13 and they are at a hundred dollars a month on average, I  
14 mean a month for the plan based on their historic use.  
15 Sometime within that 12 month period there is a 5  
16 percent and a 10 percent increase in rates.

17           How are those rates then passed on to that  
18 hundred-dollar-per-month person assuming those rate  
19 increases happened mid plan?

20           And if I did a poor job articulating that, I  
21 apologize. But what I am really trying to figure out  
22 is, how is that accounted for? How are these rate  
23 increase which inevitably happen -- and sometimes  
24 there's decreases -- how they play into somebody's flat  
25 monthly payment.



1 THE WITNESS: Yeah. So when we calculate a  
2 budget bill, we want to take an account what they used  
3 in the last 12 months, but we also want to try to  
4 predict what may happen in the following 12 months, if  
5 there will be additional rate increases.

6 And so what we will do is, we will take their  
7 usage for the last 12 months in dollar value, and from  
8 that, we will look at any increases that had happened  
9 over that time and increase that total amount by in  
10 this -- in your example would be 15 percent. Yeah. And  
11 so that's kind of how, how that's calculated.

12 PRESIDING OFFICER DELANEY: Okay. Thank you.

13 THE WITNESS: You are welcome.

14 PRESIDING OFFICER DELANEY: Okay. I don't  
15 have anything further. Is there any follow-up questions  
16 from DEU on that line, on my questions?

17 MS. NELSON CLARK: No. Thanks so much.

18 PRESIDING OFFICER DELANEY: Okay. Ms. Lovato,  
19 I want to give you an opportunity. This is a little  
20 unorthodox, but because we were trying to get to where  
21 we need to get to, you had a chance to look at  
22 Dominion's response to the request for response. Did  
23 you have anything that you wanted to follow up with this  
24 witness on with respect to that one filing?

25 FURTHER EXAMINATION

1 BY MS. LOVATO:

2 Q. Yeah, I think the -- you know, the description  
3 of prediction of rate increases is concerning for a  
4 customer to know what to expect in that regard,  
5 especially if you consider there may be a decrease or a  
6 rate increase not as large as the prediction is  
7 occurring.

8 And so in my mind an average increase would  
9 make more sense than taking the last, you know, the  
10 most -- the largest increase. And so why would DEU not  
11 be looking at an average rate and instead choosing the  
12 predictive rate?

13 A. So we understand that, especially this year,  
14 Ms. Lovato, your bill did go up significantly. There's  
15 been other customers that have gone up significantly as  
16 well. That's not typical, and as I mentioned, because  
17 we have seen large commodity rate -- the prices that we  
18 are buying the commodity for this past winter was not  
19 typical, and that's one of the main reasons why bills  
20 have gone up so much.

21 So we don't anticipate seeing something like  
22 this in the near future. However, I do want to go back  
23 to what I stated in my summary, that this -- the  
24 calculation of the budget bill is just an estimate. And  
25 the customer isn't -- is only going to be paying for the

1 gas services that they receive.

2 And if we see that a customer is being billed  
3 over or under, extremely on either side, we want to  
4 adjust that. And additionally, if we have customers  
5 call in, we want to work with them and try to see if --  
6 hear them out and hear what they have to say about their  
7 budget bill and try to make a reasonable resolution to a  
8 new bill that would help us collect what needs to be  
9 collected but keep that account close to zero.

10 Q. Okay. And then my only other question. In  
11 the -- what was asked of the express statement, you  
12 referred to the tariff second paragraph where it states,  
13 "at the end of the budget plan year." If I didn't  
14 enroll in the budget plan until November of 2022, why  
15 would the budget plan year be a different date than when  
16 I enrolled in the budget plan year?

17 A. So we purposefully have a system set up to  
18 calculate everybody's bill that's enrolled in the  
19 program, their new budget bill in August. Systemically  
20 that is how our system is -- operates and how we are  
21 able to be able to calculate everyone's bill.  
22 Otherwise, it would be an administrative burden to try  
23 to do every bill one by one.

24 Q. So I guess what I am asking is, you included  
25 months not in the budget plan for my account.

1           A.     Yeah.  And my answer to that is, when we  
2     recalculate the bill, we anticipate that you will be  
3     enrolled in the program for the preceding -- or the 12  
4     months to come.  And so we need an accurate 12 month  
5     window of data to be able to calculate the new bill.  So  
6     we are just looking at your actual usage from the  
7     previous 12 months, yes.

8           MS. LOVATO:  That's everything.

9           PRESIDING OFFICER DELANEY:  Okay.  Thank you  
10    very much.  I don't have anything for Mr.  -- anything  
11    else for Mr. Stewart.  The only other thing that -- of  
12    housekeeping, Ms. Lovato, would you like to -- would you  
13    like to move to have admitted into evidence the filings  
14    that you have provided, similar to what happened with  
15    Mr. Stewart?

16          MS. LOVATO:  The filings, like the questions  
17    that I just asked?  Is that what you mean?

18          PRESIDING OFFICER DELANEY:  No.  The filings  
19    you submitted to the P -- to the Public Service  
20    Commission.

21          MS. LOVATO:  Yes, please.

22          PRESIDING OFFICER DELANEY:  Okay.  Any  
23    objection, Dominion?

24          MS. NELSON CLARK:  No objection.

25          PRESIDING OFFICER DELANEY:  Okay.  I have

1 nothing else. Does anybody have anything else?

2 MS. NELSON CLARK: No, thank you.

3 PRESIDING OFFICER DELANEY: Okay. We'll take  
4 everything that's been discussed here today under  
5 consideration. We will give all the filings that have  
6 been submitted and now are part of evidence the weight  
7 they are due. And we will issue a ruling in due course.

8 I can tell you that the -- I can't give you a  
9 time frame, but it will be done as soon as it can be,  
10 but it will be at least a couple of weeks so everybody's  
11 expectations are tempered.

12 Okay. Thank you very much. We're adjourned.

13 MS. LOVATO: Thank you.

14 MS. NELSON CLARK: Thank you.

15

16 (The hearing concluded at 11:34 a.m.)

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C E R T I F I C A T E

STATE OF UTAH )  
COUNTY OF SALT LAKE )

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, Teri Hansen Cronenwett, Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, numbered 3 through 60 inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 29th day of December, 2023.



Teri Hansen Cronenwett, CRR, RMR  
License No. 91-109812-7801

[1 - accountant]

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[accounted - articulate]

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[customer's - distinction]

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[distribution - excuse]

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[exhibit - gas]

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[motion - official]

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