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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Brenda Salter, Assistant Director

Doug Wheelwright, Utility Technical Consultant Supervisor

Robyn Barber, Utility Analyst

Date: March 19, 2026

Re: **Docket No. 24-057-13**, Enbridge Gas Utah's Submission of Permits, Application of Enbridge Gas Utah to Extend Natural Gas Service to Portage, Utah.

Recommendation (Acknowledge with Recommendation)

The Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) acknowledge Enbridge Gas Utah's (Enbridge or Company) filing made on February 17, 2026. The Division also recommends the Commission require Enbridge to provide additional documentation as specified below.

Issue

The Order approved the settlement stipulation and underlying resource decision to serve the Portage area subject to the Company filing documentation showing it has obtained required permits and franchise agreements. On February 17, 2026, the Company submitted three permits and a franchise agreement. The Division has reviewed the submission for compliance with the Commission's Order.

The Commission's order dated February 21, 2025 (Order), directed the Company to provide "copies of the permits and franchise agreement with Portage, and other similar items ... when they have been gathered in their entirety, are finalized, and executed[;]." ¹ The

¹ PSC Order Approving Settlement Stipulation to Extend Natural Gas Service to Portage, Utah 24-057-13 February 21, 2025



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Division recognizes that Enbridge filed three permits and a franchise agreement, but according to documentation within the permits² and past rural expansion permit submissions,^{3,4,5} the Division believes those documents do not provide the entirety of the government issued permits that were required nor what the Commission expected.

Background

On August 23, 2024, Enbridge filed a notice of intent to extend service to Portage, Utah.⁶ On August 11, 2025, the Commission granted the Company an Order to Proceed.⁷ On January 9, 2025, the Company and the Division submitted a Settlement Stipulation.⁸ On February 21, 2025, the Commission issued an Order approving the settlement, requiring the filing of permits and the franchise agreement "when they have been gathered in their entirety."¹

On February 17, 2026, the Company filed its "Submission of Permits" containing five exhibits: a summary table, a franchise agreement with the town of Portage, and three permits.⁹ On February 24, 2026, the Division received an Action Request from the Commission to review the filing for compliance.¹⁰

Discussion

In its February 17, 2026, filing, the Company provided the following documents:

EGU Exhibit 1: Portage Permits Summary Table

EGU Exhibit 2: Stream Alteration Application No. 25-29-01SA.

EGU Exhibit 3: Canal Crossing Permit from Samaria Lake Irrigation Company.

EGU Exhibit 4: Storm Water Pollution Prevention Plan (SWPPP).

EGU Exhibit 5: Portage Town Franchise Agreement (Ordinance No. 2025-001).

² EGU Submission of Permits Docket No. 24-057-13, Exhibit 4 Storm Water Prevention Plan pg. 34

³ EGU Submission of Permits Docket No. 23-057-13, Exhibit 7 Town of Genola Dig Permit

⁴ DEU Submission of Permits Docket No. 21-057-12, Exhibit 29 & 31, Emery County Encroachment Permits

⁵ DEU Submission of Permits Docket No. 19-057-31, Exhibit 3 Eureka City Excavation Permit

⁶ EGU Public NOI To File Voluntary Request For Approval Of Resource Decision To Extend Service To Portage, Utah. Docket No. 24-057-13, August 23, 2024

⁷ PSC Order Docket No. 24-057-13, August 11, 2025

⁸ EGU Settlement Stipulation Docket No. 24-057-13, Jan 9, 2025

⁹ EGU Submission of Permits Docket No. 24-057-13, February 17, 2026

¹⁰ PSC Action Request in the matter of Docket No. 24-057-13, February 24, 2026

While the Company has provided these materials, the Division notes that the submission appears incomplete based on requirements from previous rural expansion projects and documentation within the submitted exhibits themselves.

Specifically, no dig, excavation, or right-of-way encroachment permits were included in the submission. Past projects have indicated that such permits are required by town and/or county rules. While dig or excavation permits are not specifically listed in Portage ordinance or policy, the Company may have coordinated activities with the town roads department¹¹ or city council. Box Elder County itself does require excavation or encroachment permits for all utility-related activities.¹² If, due to negotiations with town or county officials, it was determined that the Company need not apply for dig, excavation, or encroachment permits specifically for this project, documentation or correspondence attesting to this fact should have been included in this submission of permits.

Additionally, the Company provided a SWPPP,² but it did not include the actual Stormwater Construction General Permit (CGP) from the Utah Department of Environmental Quality. The CGP is referenced many times throughout the SWPPP and is intended to be annotated on page (i) as well as included as an attachment to the SWPPP in Appendix I. Of note, the SWPPP has listed appendices A through I on pg. 34 but the document terminates after Appendix E. Subsequent appendices F through I are not included in the document.

The Division found no issues with the remaining documents in the submission of permits filing. The Town of Portage Franchise agreement (EGU Exhibit 5), Stream Alteration Application (EGU Exhibit 2), and Canal Crossing Permit (EGU Exhibit 3) were all found to be complete and in order.

Conclusion

The February 17, 2026, filing represents a partial fulfillment of the Commission's Order. While significant documentation has been provided, complete documentation regarding the Stormwater CGP and local excavation permits remains outstanding.

¹¹ *Portage Town Roads Department site: <https://portageutah.com/roads-department>*

¹² *Box Elder County Land Use and Management Code, Article 5, Ch 5-1 Section 260*

The Division recommends the Commission acknowledge the February 17, 2026, filing and order Enbridge to provide copies of the CGP and any required town or county excavation permits within 30 days, or provide an explanation as to why such documentation is not yet available or unnecessary.

cc:
Jenniffer Nelson Clark, Enbridge Gas Utah
Michele Beck, Office of Consumer Services