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IN THE MATTER OF THE APPLICATION OF	)	DOCKET No. 25-057-06
	)	
ENBRIDGE GAS UTAH TO INCREASE DISTRIBUTION	)	Exhibit No. DPU 1.0 SR
	)	
RATES AND CHARGES AND MAKE TARIFF	)	Phase II Surrebuttal Testimony of
	)	
MODIFICATIONS	)	Eric Orton
	)	
	)	
	)	
	)	

November 4, 2025

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1   **INTRODUCTION**

2   **Q.     PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND TITLE.**

3   A.     My name is Eric Orton. My business address is 160 East 300 South, Salt Lake City,  
4           Utah 84114. I am a Technical Consultant in the Utah Division of Public Utilities  
5           ("Division").

6   **Q.     ARE YOU THE SAME ERIC ORTON WHO PROVIDED DIRECT TESTIMONY**  
7           **IN PHASE II OF THIS PROCEEDING?**

8   A.     Yes.

9   **Q.     ON WHOSE BEHALF ARE YOU TESTIFYING?**

10  A.     The Division.

11   **TESTIMONY SUMMARY**

12  **Q.     PLEASE SUMMARIZE THE PURPOSE OF YOUR SURREBUTTAL**  
13           **TESTIMONY IN THE COST OF SERVICE AND RATE DESIGN PHASE OF**  
14           **THIS DOCKET.**

15  A.     The purpose of my testimony is to respond to parties' rebuttal testimony regarding  
16           two of the recommendations I made in my Phase II direct testimony. Specifically, I  
17           respond to the rebuttal testimony of Enbridge Gas Utah ("Enbridge or Company")  
18           witness Jordan Parks and the rebuttal testimony of Office of Consumer Services  
19           ("OCS") witness James W. Daniel.

20   **RESPONSE TO ENBRIDGE WITNESS JORDAN PARKS'S REBUTTAL TESTIMONY**

21  **Q.     IN YOUR PHASE II DIRECT TESTIMONY, WHAT WAS YOUR**  
22           **RECOMMENDATION REGARDING THE COMPANY'S REQUEST TO**  
23           **REQUIRE CUSTOMERS WHO REQUEST COST ESTIMATES FOR LARGE-**  
24           **SCALE PROJECTS TO PAY UPFRONT FOR THE PRELIMINARY**  
25           **ENGINEERING COSTS OF THE PROJECT?**

A. I noted that, while I agree with the concept, I do not agree with Enbridge's proposed tariff language.<sup>1</sup> The Company proposes requiring upfront payment for preliminary engineering costs if the large-scale project would require system improvement costs exceeding \$50 million or if the Company deems the project "particularly complex."<sup>2</sup> I proposed alternative language to replace the term "particularly complex," or "complex" as it appeared in the proposed tariff,<sup>3</sup> as it is too vague to be effective. I recommended that the "complex" language be replaced with "requires contracted engineering support."<sup>4</sup>

**Q. WHAT IS MR. PARKS'S RESPONSE TO YOUR RECOMMENDATION TO MORE CLEARLY DEFINE THE TERM "PARTICULARLY COMPLEX"?**

A. In his rebuttal testimony, Mr. Parks agrees that my recommendation would "more accurately represent[] the types of projects for which the Company may require an upfront payment for preliminary engineering work."<sup>5</sup> The Company included in its revised tariff the language change indicating that, in addition to projects that meet or exceed the \$50 million threshold, the Company will require upfront payment of preliminary engineering work if the Company determines that the project "requires contracted engineering support."<sup>6</sup>

**RESPONSE TO OCS WITNESS JAMES W. DANIEL'S REBUTTAL TESTIMONY**

**Q. IN YOUR PHASE II DIRECT TESTIMONY, DID YOU PROVIDE A RECOMMENDATION ABOUT ENBRIDGE'S PROPOSAL TO ELIMINATE DUPLICATIVE LANGUAGE RELATING TO ENERGY ASSISTANCE ELIGIBILITY IN TARIFF SECTION 8.03?**

A. Yes. I agreed with the Company's proposal to eliminate the language in item (2) stating that "Customers that receive HEAT assistance during a heating season

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<sup>1</sup> Phase II Direct Test. of Eric Orton (Sept. 16, 2025) at 7:159-63.

<sup>2</sup> Direct Test. of Jordan Parks (May 1, 2025) at 4-5:109-10.

<sup>3</sup> EGU Ex. 7.02 at 9-6.

<sup>4</sup> Phase II Direct Test. of Eric Orton at 7:173-74.

<sup>5</sup> Phase II Rebuttal Test. of Jordan Parks (Oct. 16, 2025) at 3:58-60.

<sup>6</sup> *Id.* See also EGU Exs. 7.05R, 7.06R, 7.07R.

will be exempt from the Energy Assistance rate in that same heating season” because it is duplicative of existing language in item (3) in the tariff section that explains “Customers who receive the credit will not be assessed the Energy Assistance charge for 12 months following qualification.”<sup>7</sup> I noted that the “two qualifications . . . essentially address a similar concern” and it is not necessary to have both provisions.<sup>8</sup>

**Q. WHAT IS MR. DANIEL’S RESPONSE TO YOUR RECOMMENDATION REGARDING THE DUPLICATIVE LANGUAGE IN SECTION 8.03?**

A. In his rebuttal testimony, he disagrees with my recommendation that the Company’s proposed deletion of item (2) of the existing tariff be adopted. .<sup>9</sup>

**Q. WHAT IS MR. DANIEL’S OBJECTION TO ADOPTING THIS PROPOSAL?**

A. First, he disagrees with the Company’s description of the three listed provisions as “eligibility criteria.”<sup>10</sup> Second, he does not believe that the second and third provisions are truly duplicative.<sup>11</sup> Third, he states that the Company’s proposed changes are “insufficient to resolve the problems with the tariff language.”<sup>12</sup> Mr. Daniel also has broader concerns with the tariff language and proposed that EGU provide updated language in its rebuttal testimony.<sup>13</sup>

**Q. OTHER THAN THE PROPOSED ELIMINATION OF DUPLICATIVE LANGUAGE, DID YOUR TESTIMONY ADDRESS ANY OF MR. DANIEL’S OTHER CONCERNS WITH TARIFF SECTION 8.03?**

A. No, I only supported removing the duplicative language.

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<sup>7</sup> Phase II Direct Test. of Eric Orton at 5-6:123-33. This change is reflected in EGU Exs. 7.02, 7.03 & 7.04.

<sup>8</sup> Phase II Direct Test. of Eric Orton at 6:130-31.

<sup>9</sup> Phase II Rebuttal Test. of James W. Daniel (Oct. 16, 2025) at 20:464-65 (referencing his direct testimony).

<sup>10</sup> Phase II Direct Test. of James W. Daniel (Sept. 16, 2025) at 7:157-60.

<sup>11</sup> *Id.* at 7:160-62.

<sup>12</sup> *Id.* at 7:163-64.

<sup>13</sup> *Id.* at 8-9:165-95.

**Q. IS THERE ANYTHING IN MR. DANIEL'S DIRECT TESTIMONY THAT SUPPORTS OR IS APPLICABLE TO YOUR RECOMMENDATION TO APPROVE ELIMINATION OF THE DUPLICATIVE PROVISION?**

A. Yes. Mr. Daniel "do[es] not believe items (2) and (3) are truly duplicative, although the two provisions do have overlapping results."<sup>14</sup>

**Q. DO YOU AGREE THAT THE TWO PROVISIONS HAVE OVERLAPPING RESULTS?**

A. Yes. The provisions' overlapping results is the basis for my support of the Company's recommendation to delete the second provision under the Energy Assistance Eligibility heading in Tariff Section 8.03.

## **CONCLUSION**

**Q. PLEASE SUMMARIZE THE DIVISION'S POSITIONS AND RECOMMENDATIONS REGARDING THESE TWO ISSUES.**

A. I recommend the Commission adopt the proposed language for Tariff Section 9.02 presented in Mr. Parks' rebuttal testimony that more clearly defines when the Company will require a customer to provide upfront payment for preliminary engineering work on large-scale projects. I also recommend that the Commission approve the Company's proposal to eliminate duplicative tariff language in Section 8.03. Approving these changes would provide more clarity for customers requesting estimates for large-scale projects and those customers who qualify for energy assistance.

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

A. Yes, it does.

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<sup>14</sup> *Id.* at 7:160-62.