

Phase II Hearing - November 18, 2025

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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application of Enbridge Gas)
Utah to Increase)
Distribution Rates and)
Charges and Make Tariff)
Modifications)
) DOCKET NO. 25-057-06
)
)

Phase II Public Hearing
Day One of Two
Taken on Tuesday, November 18, 2025
9:02 a.m. - 5:41 p.m. MT

At Heber M. Wells Building
160 East 300 South
Room 403
Salt Lake City, Utah 84111

Reported by: Brooke Simms, RPR, CCR, CSR

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P R O C E E D I N G S

PRESIDING OFFICER: Good morning, everyone. We're glad you're all here safely today. We're here in the matter of the Application of Enbridge Gas Utah to Increase Distribution Rates and Changes [sics] and Make Tariff Modifications. Just note for the record we're here on what we would characterize as Phase II of the -- of this general rate case. The parties reached a stipulation on revenue requirement some time ago, which we'll -- which we've indicated that we were going to accept and will be a part of our order, which, as I understand by calculating the 240 days, needs to be issued by December 27th, 2025. Does that seem in accord with everybody's recollection? Okay. Good.

So we -- we appreciate the thorough preparation. We've had a chance to go through the testimony and the positions of the parties, and we'll take appearances for -- of counsel for the record, and if you could, if you wouldn't mind, tell us the order in which your witnesses are going to be presented, if that's okay.

So, first of all, let's turn to the petitioner here, to Enbridge Gas, and ask you to state your appearances.

MS. MITCHELL: Good morning, Commissioners.

1 Anne Mitchell with the law firm Whitt Sturtevant LLP on
2 behalf of Enbridge Gas Utah along with co-counsel Ronit
3 Barrett from Whitt Sturtevant and Jenniffer Clark Nelson
4 from the Company. And -- and our witnesses that we'll
5 call in this order today are Austin Summers, Kelly
6 Mendenhall, Jordan Stephenson, David Landward, and
7 Jordan Parks.

8 PRESIDING OFFICER: Okay. All right. I have
9 that. Ms. Barrett, spell your first name for me, would
10 you, please.

11 MS. BARRETT: R-o-n-i-t.

12 PRESIDING OFFICER: All right. And pronounce
13 it one more time.

14 MS. BARRETT: Ronit.

15 PRESIDING OFFICER: Ronit. Okay. That will
16 help. Thank you. Thank you very much. It's nice to
17 see all of you.

18 All right. We'll turn to the Division of
19 Public Utilities.

20 MS. SCHMID: Good morning. Patricia E. Schmid
21 with the Utah Attorney General's Office and Patrick
22 Grecu for the Division of Public Utilities. We have
23 five witnesses today. Patrick will be presenting two of
24 them, and I will be presenting three. Patrick will be
25 presenting Eric Orton and Annette Orton, and I will be

1 presenting Ryan Daigle, David Fields, and Matthew
2 Pernichele. Our witness --

3 PRESIDING OFFICER: And so that will be in
4 that order, I assume. You'll do your two first and then
5 your three; is that correct?

6 MS. SCHMID: Yes.

7 PRESIDING OFFICER: Mr. Grecu's witnesses is
8 first?

9 MS. SCHMID: Yes.

10 PRESIDING OFFICER: And then Ms. Schmid?

11 MS. SCHMID: Yes.

12 PRESIDING OFFICER: I think I interrupted you.
13 You were going to say one more thing?

14 MS. SCHMID: That was what I was going to say.

15 PRESIDING OFFICER: Okay. Well, I apologize
16 for interrupting. I'll try to wait for you to finish
17 your sentence before I speak next time.

18 Okay. Good morning. Let's go to the Office
19 of Consumer Services.

20 MR. SNARR: Yes, good morning. My name is
21 Steven Snarr representing the Office of Consumer
22 Services. Robert Moore will be here and assisting me as
23 well. We have one witness, James Daniel.

24 PRESIDING OFFICER: Okay. James Daniel.
25 Okay.

1 Let's go to UAE next.

2 MR. RUSSELL: Yes. Good morning. Phillip
3 Russell representing the Utah Association of Energy
4 Users. We have one witness in this phase of
5 proceedings, and that is Courtney Higgins.

6 PRESIDING OFFICER: Okay. And are you okay if
7 we go to you for your witness after the OCS? I'm going
8 to -- that's the order I'm planning on. Is that --

9 MR. RUSSELL: Yes. That's what I would
10 expect. Yes.

11 PRESIDING OFFICER: Yes. That's great. Yes.

12 MR. RUSSELL: Yes.

13 PRESIDING OFFICER: Past practice kind of
14 seems to be that way. Okay. All right.

15 And then let's go to Nucor Steel.

16 MR. COOK: Jeremy Cook on behalf of Nucor
17 Steel-Utah. I also have co-counsel Laura Baker and
18 Damon Xenopoulos online, and we have one witness today,
19 Lance Kaufman.

20 PRESIDING OFFICER: Okay. Thank you,
21 Mr. Cook.

22 And we previously issued an order that -- I
23 think for both your witness, Mr. Kaufman, and then for
24 the Federal Executive Agencies that they could -- and
25 they should be online.

1 MR. COOK: Yeah.

2 PRESIDING OFFICER: So we'll come to them in
3 just a second.

4 All right. Let's go to next for the American
5 National -- Natural Gas Council.

6 MR. DAVIDSON: Morning, Mr. Chairman,
7 Commissioners. Mark Davidson of the law firm Fairfield
8 and Woods appearing on behalf of the American Natural
9 Gas Council. We have one witness, Mr. Bruce Oliver.

10 PRESIDING OFFICER: Thank you, Mr. Davidson.
11 Okay. And then the Federal Executive
12 Agencies.

13 MAJOR NEWTON: Good morning, sir. Major
14 Leslie Newton representing Federal Executive Agencies
15 coming to you out of Tyndall Air Force Base, Panama
16 City, Florida, and we have one witness, Matthew Smith,
17 who is appearing online.

18 PRESIDING OFFICER: Okay. Thank you.

19 MAJOR NEWTON: Thank you, sir.

20 PRESIDING OFFICER: Okay. So our plan is --
21 is we will proceed in the order that we just went
22 through with parties presenting their witnesses. We
23 expect you'll present all of the issues and then tender
24 your witness for cross-examination, and we'll work
25 ourselves through this. I'm not optimistic this is a

1 one-day hearing. I -- I think -- I could be pleasantly
2 surprised if it is, but just seems with the number of
3 witnesses and the number of issues, it's likely to go
4 two days. But we'll just -- we'll just see how it goes.

5 Okay. Let's turn, first of all, to
6 Ms. Mitchell and let you call your first witness.

7 MS. MITCHELL: Thank you, Chairman. The
8 Company calls Austin Summers.

9 PRESIDING OFFICER: Mr. Summers, it's good to
10 see you. Welcome. Come on up. Will you raise your
11 right arm to the square.

12 AUSTIN SUMMERS

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

15 PRESIDING OFFICER: Go ahead, Ms. Mitchell.

16 MS. MITCHELL: Thank you.

17 DIRECT EXAMINATION

18 BY MS. MITCHELL:

19 Q. Mr. Summers, will you please state your full
20 name and business address for the record.

21 A. Yes. My name is Austin Summers, and my
22 business address is 333 South State Street, Salt Lake
23 City, Utah.

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

1 A. I'm the director of regulatory and pricing.

2 Q. Did you file testimony in this matter marked
3 as EGU Exhibit 5.0 with accompanying Exhibits 5.01
4 through 5.14U, rebuttal testimony marked as EGU
5 Exhibit 5.0R with accompanying Exhibit 5.15R, and
6 surrebuttal testimony marked as EGU Exhibit 5.0SR with
7 accompanying Exhibit 5.16SR?

8 A. Yes.

9 Q. Do you have any corrections to make today to
10 any of that testimony?

11 A. I do have one minor correction on my direct
12 testimony, and it is on line 263. I'll give people just
13 a moment if they want to get there and look at that.
14 I'm changing one word.

15 PRESIDING OFFICER: Just a second. We're not
16 ready yet. We want to give the court reporter a moment.

17 Okay. Go ahead.

18 A. On line 263, it reads, "Yes, the Company has
19 issued an RFP to sell a portion of its Utah NGV
20 stations." I want to change the word "issued" to
21 "considered." So that sentence should read, "The
22 Company has considered an RFP to sell a portion of its
23 Utah NGV stations."

24 PRESIDING OFFICER: And you made that clear in
25 subsequent -- in your rebuttal and surrebuttal

1 testimony. I think that's in there, either yours or
2 Mr. Mendenhall's testimony.

3 THE WITNESS: I believe it's -- it's probably
4 more clear in Mr. Stephenson's testimony.

5 PRESIDING OFFICER: Oh, that's probably right.
6 Okay.

7 THE WITNESS: But yes, it is -- it is in
8 there.

9 PRESIDING OFFICER: Okay. All right. Okay.
10 With that correction.

11 Q. (BY MS. MITCHELL) Mr. Summers, did you have
12 any further corrections?

13 A. No.

14 Q. And including that correction, do you adopt
15 the contents of the documents that you referenced as
16 your testimony today?

17 A. Yes.

18 MS. MITCHELL: The Company moves for admission
19 of the direct, rebuttal, and surrebuttal testimony of
20 Mr. Summers along with accompanying exhibits.

21 PRESIDING OFFICER: Okay. Is there any -- are
22 there any objections?

23 Okay. The testimony direct, rebuttal,
24 surrebuttal and accompanying exhibits are admitted into
25 evidence. Thank you.

1 (Austin Summers' prefiled testimony and
2 exhibits were admitted into evidence.)

3 MS. MITCHELL: Thank you.

4 Q. (BY MS. MITCHELL) Mr. Summers, will you
5 please provide us with a road map of what the Company's
6 witnesses will testify to today?

7 A. Yes. I -- first of all, I will be summarizing
8 the cost of service and rate design issues that were
9 addressed in my direct testimony and that I defended in
10 my rebuttal testimony and surrebuttal testimony.

11 Kelly Mendenhall will be summarizing
12 conservation enabling tariff and the transportation
13 imbalance charge. All the other issues from
14 Mr. Mendenhall's testimony were Phase I issues and were
15 included in the Phase I settlement.

16 Jordan Stephenson will be summarizing the
17 proposed subsidy in the NGV class. The initial proposal
18 for that subsidy was included in my direct testimony,
19 but Mr. Stephenson filed rebuttal testimony on this
20 matter. Mr. Stephenson also filed direct testimony that
21 largely addressed Phase I issues and were included in
22 the Phase I settlement.

23 David Landward will then summarize the purpose
24 of heating degree days, weather normalization, and the
25 Company's proposal to change the length of the normal

1 heating degree day base period.

2 Jordan Parks will then summarize the tariff
3 changes that he proposed in his direct testimony.

4 Q. Thank you, Mr. Summers. Will you please
5 summarize your testimony at this time.

6 A. Yes. And I'm going to begin first with cost
7 of service issues, and then I will follow that with rate
8 design and then talk about some task force matters.

9 Cost of service is the foundation for
10 allocating costs and determining whether customer
11 classes are recovering their full cost of services.
12 While the Commission has discretion to adopt allocation
13 backers if deemed appropriate, I note that some factors
14 proposed by other parties represent a significant
15 departure from historical practice and would result in
16 substantial shifts in allocated costs.

17 There are multiple methodologies for
18 conducting cost of service studies, and perspectives on
19 fairness vary. Importantly, the Company's overall
20 revenue does not change based on which allocation method
21 is adopted. With the exception of the proposed NGV
22 class subsidy, all allocation factors recommended by the
23 Company are consistent with those used in the most
24 recent general rate cases. The Company has -- is not
25 introducing new allocation methodologies in this

1 proceeding.

2 The first allocation factor I want to address
3 is the 60/40 blended allocation factor that's sometimes
4 referred to as Allocation Factor 230. The 60/40 blended
5 allocation factor has been consistently applied by the
6 Company to allocate costs for feeder lines, compressors,
7 and large measurement and regulation equipment. This
8 approach is supported by Commission orders in the 2019
9 and 2022 general rate cases which found the Company's
10 position reasonable and aligned with precedent.

11 Arguments raised against the Company's
12 approach remain unchanged from prior rate cases.
13 Parties continue to rely on similar -- similar language
14 from the NARUC manual to justify alternative positions.
15 In addition, Mr. Pernichele revisits a design day
16 argument that was previously rejected and transportation
17 customers continue to advocate for reduced waiting on
18 throughput. The Company maintains that its long
19 standing use of the 60/40 weighting is appropriate.

20 Moving on to large diameter mains. Those
21 large diameter mains are another asset that had proposed
22 changes to the allocation. And as explained in my
23 direct testimony, large diameter main facilities are
24 generally sized for more than local delivery
25 requirements and are therefore excluded from the

1 distribution plant factor study. They are also smaller
2 than feeder lines. The Company's allocation method
3 identifies customers not connected to the intermediate
4 high pressure system and subtracts their delivered
5 dekatherms from commodity throughput figures. This
6 approach is also consistent with historical practice and
7 was used to develop the current rates.

8 Beyond these major factors, parties proposed
9 changes or at least raised concerns regarding allocation
10 of numerous other costs. Where alternative proposals
11 were offered, I addressed them in my rebuttal testimony.
12 Many statements, however, lacked actionable
13 recommendations for the Commission to consider.

14 I want to talk about large customers briefly.
15 The -- the OCS raised concerns about the impact of large
16 customers on existing customers, and the Company
17 recognizes that these new high volume customers
18 materially impact transportation class rates.
19 Accordingly, in rebuttal testimony, I supported the OCS
20 proposal to temporarily close the TBF class to new
21 customers pending further analysis. Additionally, I
22 proposed that the revenue allocation for the TBF class
23 be set at one and a half times the overall revenue
24 requirement increase to mitigate cost impacts in this
25 case.

1 I want to move on and talk about gradualism a
2 little bit. The concept of gradualism in rate setting
3 was raised by several parties, and as I mentioned
4 earlier, the Company proposes to maintain historical
5 allocation factors that have produced rates found to be
6 just, reasonable, and in the public interest. These
7 allocators were used in the 2019 and 2022 rate cases to
8 bring all the customer classes, except the TBF class, to
9 full cost rates.

10 The Company is open to a gradual approach in
11 this case but does not support any outcome where a class
12 other than the TBF and NGV classes pays less than its
13 full cost of service. If the end result in this case is
14 that a certain class of customers is paying less than
15 its full cost of service, it would be a step in the
16 wrong direction. If the Commission determines that
17 imposed increases are excessive for a particular class,
18 the Company recommends adjusting allocation factors
19 rather than allowing under-recovery.

20 That's everything I have for cost of service,
21 but I'm going to move on to rate design issues. Similar
22 to cost of service, the Company has maintained
23 consistency in its rate design proposals. The rate
24 design in this case mirrors the approach adopted in the
25 last general rate case when the transportation class was

1 split.

2 One theme about rate design proposals that we
3 see in this case is that rate design modifications are
4 easy to propose but difficult to implement. For
5 example, Mr. Perniciele discussed in his direct
6 testimony some of the practical limitations associated
7 with splitting the GS class. Dr. Kaufman discussed in
8 his surrebuttal how splitting the transportation class
9 was proposed in one case, discussed in a working group,
10 then effectuated in the next case. In this case, we
11 also will have limited time between the timing of the
12 Commission order and the effective date of the rates.

13 Not all intervenors proposed changes to rate
14 design. However, those who did generally advanced
15 proposals that would benefit their respective
16 constituencies. While I will not address every proposed
17 change, I will summarize five key items. Those are the
18 basic service fee, the administrative charge, the
19 billing determinants in the TBF class, block breaks in
20 the TSL class, and the low pressure surcharge.

21 So first is the basic service fee. The basic
22 service fees proposed by the Company were originally
23 established in the 2013 general rate case and have been
24 consistently applied in every subsequent case. While
25 the Company recalculates the basic service fees during

1 each filing, it generally does not propose adjustments.
2 This approach has historically been acceptable to other
3 parties, and the Company believes it remains appropriate
4 in this proceeding.

5 Moving on to the administrative charge. That
6 charge applies only to customers in the transportation
7 classes. Unlike the basic service fee, the
8 administrative charge had been updated in every recent
9 rate case due to volatility in transportation class
10 growth and associated costs. Each case has reflected
11 current conditions, and this proceeding is no exception.
12 Costs have increased because Enbridge had reasonable
13 increases, including taking on a full share of costs
14 that had formerly been shared with MountainWest
15 Pipeline. These changes necessitated a modest increase
16 in the administrative charge.

17 Moving on to the billing determinants and the
18 TBF class. On behalf of UAE, Ms. Higgins proposed
19 changes to billing determinants for the TBF class. Her
20 proposal would significantly impact revenue collection
21 during the test period. The Company designed its rates
22 based on known information in the test period to achieve
23 a specific revenue target. Any deviation from those
24 determinants would alter cost allocation among classes
25 and reduce revenue recovery from TBF customers during

1 the test period.

2 Moving on to the block breaks in the TSL
3 class. Dr. Kaufman, on behalf of Nucor, proposed
4 modifying the TSL block breaks and increasing discounts
5 for later blocks. These blocks were set in the 2022
6 general rate case when transportation classes were
7 split, aligning with TBF block breaks that have been
8 used for similarly sized customers. This structure also
9 reflects the design used prior to 2013. My rebuttal
10 testimony supports rejecting Dr. Kaufman's proposal and
11 retaining the current structure.

12 Finally, Dr. Kaufman also proposed a low
13 pressure surcharge that would apply to customers in the
14 TSL class that are connected to the intermediate high
15 pressure system instead of the high pressure system. In
16 rebuttal testimony, I explained why this proposal
17 conflicts with the principal of average ratemaking and
18 recommended continuing the Company's existing rate
19 design.

20 So moving on now to a working group. There
21 were several parties that suggested that certain topics
22 be studied before the next rate case. The Company is
23 open to evaluating some issues in a collaborative
24 setting, but believes others have been sufficiently
25 addressed and would not warrant additional resources.

1 The Company is willing to study methods to assure the GS
2 class costs are accurately recovered without interclass
3 subsidies and the impact of large customers and
4 strategies to prevent adverse effects on existing
5 customers.

6 However, issues such as weather normalization,
7 the transportation imbalance charge, and the
8 conservation enabling tariff have been thoroughly
9 examined in prior cases and during this proceeding. The
10 Company does not think it would be an efficient use of
11 resources to open these topics -- or to reopen these
12 topics. The Company's proposals for cost of service and
13 rate design are consistent with historical practices and
14 will result in rates that are just, reasonable, and in
15 the public interest.

16 Accordingly, the Company respectfully requests
17 that the commission approve its cost of service and rate
18 design proposals as filed and as adjusted in the
19 rebuttal and surrebuttal testimony. And that concludes
20 my summary.

21 PRESIDING OFFICER: Thank you, Mr. Summers.
22 Ms. Mitchell.

23 MS. MITCHELL: Mr. Summers is available for
24 cross-examination and the Commission's questions.

25 PRESIDING OFFICER: Okay. Thank you.

1 All right, Ms. Schmid, are you going to do the
2 cross-examination?

3 MS. SCHMID: I am. Mr. Grecu is passing out
4 what's been premarked as DPU Cross Exhibit 1. This
5 packet contains the cover or title sheet of
6 Mr. Pernicbele's surrebuttal testimony and DPU
7 Exhibit 6.01SR that was attached to that surrebuttal
8 testimony.

9 I'll represent that they are true and correct
10 copies of what was filed in his surrebuttal testimony
11 with the addition of the DPU cross exhibit sticker in
12 the upper right-hand corner.

13 PRESIDING OFFICER: Okay. Well, the
14 testimony's on file, but I think we'll -- we'll go ahead
15 and admit all of the exhibits that come in on
16 cross-examination just to -- as part of the record.

17 So you want to move for admission of DPU
18 Cross 1?

19 MS. SCHMID: Yes. We request admission of DPU
20 Cross 1.

21 PRESIDING OFFICER: All right. Any objection?
22 No objection. We'll admit DPU Cross 1.

23 (DPU's Cross Exhibit 1 was admitted into
24 evidence.)

25 CROSS-EXAMINATION

1 BY MS. SCHMID:

2 Q. Mr. Austin -- or Mr. Summers, have you had a
3 chance to take a look at DPU Exhibit Cross 1?

4 A. Yes.

5 Q. I have just a few questions. Did the Company
6 provide the peak day data the DPU requested in DPU Data
7 Request Number 29.01, which was attached as DPU 6.01 SR?
8 DPU 6.01 SR contained not only the request but the
9 Company's response.

10 A. Yes. Sorry. I believe the -- were -- was the
11 question that you asked if I've reviewed that?

12 Q. That was the first one. Now I'm asking if the
13 Company provided the peak day data that the DPU
14 requested in that data request.

15 A. So this data request is asking for an
16 allocation matrix in -- from the model. That allocation
17 matrix is not just peak day. I believe there's a lot of
18 other information in that allocation matrix that is
19 basically the results of all of the cost of service
20 studies that would be in the Company's model. So the --
21 the question here is to provide the same information
22 that is in the allocation matrix.

23 So we -- the Company does not update its cost
24 of service studies on an annual basis. We only do
25 those -- those cost of service studies for a general

1 rate case. There's a considerable amount of work that
2 goes into those, and so they're only updated in rate
3 case years.

4 Q. Thank you. Those are all my questions.

5 A. Thanks.

6 PRESIDING OFFICER: Okay. Thank you,
7 Ms. Schmid. Let's turn to the Office.

8 MR. SNARR: We have no cross-examination.

9 PRESIDING OFFICER: Okay. Maybe this is going
10 to go faster than I thought. All right. Let's --
11 what's that? Oh, Mr. Harvey said he'll -- he'll take
12 care of it. That's what I expected. But before we come
13 to you, Mr. Harvey, we'll -- Mr. Russell.

14 MR. RUSSELL: And I also have a list of
15 questions.

16 PRESIDING OFFICER: Great. Thank you.

17 CROSS-EXAMINATION

18 BY MR. RUSSELL:

19 Q. Mr. Summers, let's start with one of the items
20 you mentioned inside your summary, which is Allocation
21 Factor 230. You mentioned that the -- that this is a
22 blended allocation factor. What -- what do you mean by
23 that?

24 A. Yeah. What I mean by that is that there are
25 two components of that allocation factor. One is the

1 average throughput, and the other is the design day
2 component. So you've got -- when I'm -- when I'm saying
3 a blending, you're blending or weighting both of those
4 factors to make one allocation factor.

5 Q. And in your prefiled testimony, you've
6 advocated for the continued use of a blended allocation
7 factor; is that right?

8 A. That is right.

9 Q. And tell me why you think it's important for
10 a -- that -- that allocation factor of those facilities
11 subject to Allocation Factor 230 to be a blended one.

12 A. Yeah. The -- the reason I think that that's
13 important is that those assets, things like large feeder
14 lines, kind of the backbone of the system, are used for
15 two different purposes. They are -- they are used to
16 meet the design day requirements on a -- on a really
17 cold day. So they -- those assets have to be built
18 large enough to meet those needs on a design day, and
19 they are also used to meet the average throughput during
20 the rest of the year, just the day-to-day natural gas
21 that needs to move through those facilities.

22 Q. Thank you. And you've -- you've also
23 referenced in your testimony and have responded in your
24 testimony to some proposals to -- to modify that
25 allocation factor; is that right?

1 A. That is right.

2 Q. Okay. And I think you pointed out that all of
3 the proposals to modify that allocation factor use some
4 measure of a blended factor; is that right?

5 A. In this case, yes, I think all of those
6 proposals used a -- used a -- used a blend with
7 different weightings.

8 Q. That's right. So the -- the debate in this
9 rate case is whether the weighting between demand and
10 throughput is appropriate; right?

11 A. That's correct.

12 Q. Okay. And on behalf of UAE, Ms. Higgins
13 proposed using the system load factor; is that right?

14 A. That is right.

15 Q. To set the throughput?

16 A. That's right.

17 Q. And is that the -- is that the -- the method
18 that is described in the NARUC manual?

19 A. I didn't take a position on -- on that in
20 rebuttal or surrebuttal. I think that all of the
21 parties have used similar portions of -- of that NARUC
22 manual to -- to justify their positions, and I never
23 took a position on that. It's -- I think that there are
24 different ways to read that language to decide what it
25 means.

1 Q. Okay. In your rebuttal testimony, you
2 indicated that of all of the proposals that parties
3 other than the Company had made, that Ms. Higgins had
4 carried the most analytical weight; is that right?

5 A. That is correct.

6 Q. Okay. And tell me why you think that is.

7 A. I think that Ms. Higgins' approach is -- is
8 looking at how the system is -- is being used by
9 calculating, like, the system load factor and the
10 consistency at which people are using the system for
11 design day versus average throughput. There's a
12 quantifiable reason to get to that number, and so I
13 think that it carries some weight without being --
14 without using kind of an arbitrary -- an arbitrary
15 number.

16 Q. Okay. Thank you. I'm going to move now to
17 another topic that you mentioned in your summary, which
18 is the allocation of large diameter IHP mains. We just
19 discussed why you think it's important to use a blended
20 allocation factor for Allocation Factor 230, but you've
21 resisted the use of a blended allocation factor for
22 these facilities. Why is that?

23 A. Yeah. There's -- I think there's two reasons.
24 One is -- is that it's -- those assets are used for
25 different purposes. Whereas the -- those -- the

1 allocation factor -- the assets that Allocation 230
2 applies to -- those large feeder line mains and those
3 large measurement regulation assets -- are -- they're
4 just -- they have different purposes. The -- they're
5 the kind of the backbone of the system whereas these
6 large diameter mains are -- they're used more for local
7 distribution or getting gas to that local distribution
8 system. So I think that they're used kind of for
9 different purposes. That's one reason that I think it
10 should stay as the Company has proposed it.

11 The other reason is that it's consistent with
12 the Company's method in all of the recent rate cases
13 that we've continued to use that -- the same allocation
14 factor, and so I think that that consistency is another
15 important reason.

16 Q. And the way that you currently allocate those
17 costs is based on the distribution throughput allocator;
18 right?

19 A. That's correct.

20 Q. And that's just a measure of throughput?
21 Like, there's no -- there's no demand component; right?

22 A. That's right.

23 Q. And the large diameter IHP mains are used to
24 help meet the system demands on a design day, though;
25 right?

1 A. I think that any asset on the system could be
2 argued to be used during those design days, those --
3 those really cold days, but I don't think that they are
4 as significant. They're -- they're really designed more
5 for -- I think they're used more for that average
6 throughput.

7 Q. I'm going to move to a different topic also
8 discussed in your summary, and that's the rate design
9 with respect to the transportation bypass for the TBF
10 class.

11 To help illustrate a point, I want to -- want
12 to have you turn to Ms. Higgins' direct testimony. It's
13 actually an exhibit in her direct testimony.

14 Do you have that?

15 A. I don't.

16 Q. Okay. I -- I saw a really big binder there.

17 A. I know. It's massive.

18 Q. I thought maybe you had it.

19 A. It's a comically large binder.

20 Q. I'm wondering if your counsel has Exhibit 2.3
21 that was attached to Ms. Higgins' direct testimony.

22 MS. MITCHELL: I believe we have it. Just
23 give us a moment. Thank you.

24 MR. RUSSELL: Yeah. Sure thing.

25 MS. NELSON CLARK: May I approach?

1 PRESIDING OFFICER: Yes. Sorry. I didn't --

2 MS. NELSON CLARK: Thank you.

3 MR. RUSSELL: And I appreciate the -- the
4 help.

5 Q. (BY MR. RUSSELL) Mr. Summers, I'm going to
6 have you turn to Page 8 of 9 of that exhibit.

7 A. Okay.

8 Q. It should be a table. Is that what you've
9 got?

10 A. Yes.

11 Q. Okay. And that is a table. I'll just
12 represent to you that table was produced in response to
13 a data request from UAE to Enbridge. That data request
14 is -- is there on page 7 of 9, the page before this
15 table.

16 Do -- do you recognize that table?

17 A. Yes.

18 Q. Okay. And just generally speaking, can you
19 confirm that what that table represents is the monthly
20 projections for send out to the TBF class in the test
21 period?

22 A. Yes.

23 Q. Okay. And that shows a pretty significant
24 increase from the months at the beginning of the year to
25 the months at the -- in the second part of the year; is

1 that right?

2 A. Yes. These are the volumes that the Company
3 has projected to be in effect in the test period.

4 Q. For the whole TBF class; right?

5 A. That's correct.

6 Q. Okay. And can you confirm for me that
7 what's -- what's happening here is that a single
8 existing TBF customer is -- is increasing its -- its
9 demand in -- starting in June of the test period by a --
10 by a pretty large margin; right?

11 A. That's correct.

12 Q. Okay. So the -- the difference between the
13 front half of the year and the second half of the year
14 is -- is based almost entirely off of this increase for
15 one customer?

16 A. That's correct.

17 Q. Okay. And as we discussed in our -- in our
18 conversation about the allocation factors earlier,
19 the -- the allocation factor for quite a few of the
20 facilities on the system are just blended factors with
21 demand and throughput; right?

22 A. Yes.

23 Q. Okay. And so for purposes of cost allocation,
24 the demand component that you're using is the one
25 that's -- the high one towards the end of that -- that

1 year; right? For purposes of allocating demand to the
2 TBF class?

3 A. Yes. We used a -- we used the demand that
4 would be in place at the end of the year.

5 Q. Right. For throughput purposes, though, it's
6 a mix of -- of all of them once a year; right?

7 A. Are -- are you still talking about cost of
8 service? I want to make sure that I'm answering the --
9 the question -- if we're talking about cost of service
10 allocation or if we're talking about rate design.

11 Q. We'll get to the rate design --

12 A. Okay.

13 Q. -- shortly. But, yeah, for purposes of cost
14 of service, is that -- is that how the throughput
15 allocator is -- is used for -- you know, when you're
16 looking at -- at this, you know, monthly send out, is
17 that how you would do it?

18 A. Yes.

19 Q. Okay. And then for rate design purposes, how
20 are the billing determinates determined?

21 A. So the billing determinants would be the --
22 it's the total dekatherms that we're planning to -- that
23 we're planning to have go through the system. So it's
24 that -- that total dekatherms -- it's the sum of all the
25 dekatherms throughout the year -- are the -- that's the

1 volume of gas that we would use to collect the revenue
2 requirement for the year.

3 Q. Okay. And so the billing determinates
4 generally follow the expected throughput?

5 A. Yes. It's that way for the TBF class and all
6 of the other classes.

7 Q. Sure. But given the unique circumstances of
8 this class and this rate case, the result of that is
9 that the peak demand allocator, which is spread across
10 the whole year, and the throughput are -- there's
11 something of a mismatch there; right?

12 A. I'm not sure if I would call it a mismatch. I
13 think that we're -- we're doing two different things.
14 We're trying to determine how much costs should be
15 allocated to the -- to that class, and that's -- that's
16 one thing. But then making sure that we collect the
17 right amount of revenue in the test period is another --
18 is another issue.

19 Q. Sure. But the peak demand allocator is -- is
20 not the peak demand for each month of the year. It's --
21 it's a one-time thing that then -- that then is used to
22 determine the peak demand allocator for all of the year;
23 right?

24 A. That's right.

25 Q. Okay. And Ms. Higgins, in her testimony on

1 behalf of UAE, has proposed a mechanism to address this
2 issue; is that right?

3 A. Yes.

4 Q. Okay. And the mechanism that she has proposed
5 is to have the TBF volumes in the firm demand billing
6 determinants to be adjusted to apply the higher
7 projected TBF load to each month of the year rather than
8 just the last seven months; is that right?

9 A. That is her proposal, yes.

10 Q. Okay. And you have disagreed with that
11 proposal; right?

12 A. That is right.

13 Q. Okay. And tell me why you -- why you
14 disagree.

15 A. Yeah. I disagree with that proposal because
16 it's -- I think that it strays from what the Company
17 has -- has always done, and I think that it's important,
18 again, to keep consistency, but the Company's proposal
19 was an -- a conservative estimate based on known
20 information at the time.

21 The -- the volumes that we put in there -- the
22 reason I say it's conservative is because we -- we did
23 put it in. We -- we have an estimate of when that
24 customer will be coming onto the system. So we could
25 have calculated the rates without putting that customer

1 in, but putting that customer in seemed like the most
2 accurate thing to do.

3 Now, we -- the way that we set those rates for
4 the rate designs, we have to look at the -- the volume
5 of gas that's available to collect the total revenue
6 requirement. So kind of that -- that becomes our
7 denominator, if you will, and then we're -- we're
8 looking at the cost that needs to be collected as the --
9 the numerator. When you divide those two, that gives
10 you your -- your rate.

11 The problem that I have with the UAE's
12 proposal is that it adds more volume to that
13 denominator, which effectively reduces the overall rate,
14 and -- and, therefore, reduces the amount of revenue
15 that the Company will collect in that -- over the course
16 of the year. So it's just a -- it's -- I feel like the
17 information that we have for the test period is -- is
18 what's shown in this exhibit that you're looking at, and
19 that is the most accurate amount of volume that we --
20 that we know about in the test period.

21 Q. Couple of -- couple of follow-up questions on
22 that. By -- the -- the mechanism through which you've
23 done this, put this into rates -- won't that lead to the
24 other TBF customers -- won't that lead to their rates
25 going up, even though they're not contributing to

1 this -- this much higher peak demand towards the end of
2 the year?

3 A. When -- when a -- when we're doing the whole
4 cost of service and the -- the rate design -- I mean,
5 you -- you're looking at it from a perspective of how
6 much -- how much is allocated to that class and then to
7 make sure that it's all allocated correctly or that it's
8 collected in full.

9 Assuming that the -- if you had a big customer
10 in the cost of service process, they're going to be
11 bringing their costs -- some costs with them. And so
12 everything should follow that customer so that we're
13 collecting -- on an average basis, we're collecting the
14 correct amount of revenue in that test period.

15 If -- whether or not it effects other
16 customers in the TBF class, I don't think there's
17 anything on the record that really shows what that is.

18 Q. Have you considered any mechanisms -- we
19 talked about the mechanism that Ms. Higgins proposed.
20 Have you considered any other mechanisms to maybe
21 mitigate the effects of this one-time increase in -- in
22 demand from a single TBF customer?

23 A. There -- one of the -- one of the proposals,
24 actually, in Ms. Higgins' testimony that would be a
25 good -- a good option -- maybe it's not explored enough

1 on the record, but she proposed a phased approach to --
2 to this whole problem where there would be five months
3 of rates at one level and then seven months of revenue
4 at the new level. And if you were to do that right, it
5 would -- it would charge customers for -- correctly for
6 those first five months and correctly for the last seven
7 months too and maybe be accurate on the assignment of
8 costs.

9 Like I say, that -- that didn't get a lot of
10 attention in rebuttal or surrebuttal, but I -- as I look
11 at the options the Commission has available to it, that
12 would be a possibility that would work.

13 Q. In your rebuttal testimony, you also offer a
14 proposal to cap the revenue allocation to the TBF class
15 so that it's equal to one and a half times the overall
16 increase in revenue requirement; right?

17 A. Yes. I did propose that.

18 (Reporter clarification.)

19 Q. (BY MR. RUSSELL) I think you said --

20 A. I did propose that.

21 Q. I think you said, "And that would work as
22 well."

23 A. And that would work as well. Thank you,
24 Mr. Russell.

25 Q. Always happy to put words in a witness's

1 mouth.

2 PRESIDING OFFICER: Well, there was no
3 objection to it. So proceed.

4 Q. (BY MR. RUSSELL) And tell me why you think
5 that would work.

6 A. The reason I proposed that is that that one
7 large customer does have a significant -- as that
8 exhibit we're looking at shows, they have a significant
9 change in volume to the class. And looking at -- at
10 Ms. Higgins' proposals and then combined with proposals
11 from the OCS that maybe we need to look at ways to make
12 sure that customers are protected, other customers are
13 protected. It seemed like it might be a good option to
14 kind of push the pause button, if you will, on the TBF
15 class and let the parties have some time to develop.
16 You know, look at those -- that class and see what needs
17 to be done to protect those customers.

18 So what I proposed would be that we would
19 still use the Company's proposal to make sure that
20 the -- the Company isn't harmed by our change in the
21 rate design but also to limit the -- the effect on the
22 existing TBF class, and that's why I felt like that was
23 a reasonable compromise.

24 Q. And you mentioned previously that the TBF
25 class is a subsidized class; right?

1 A. It is a subsidized class. That's right.

2 Q. And so the result of -- of capping the
3 increase to that class means that some other costs are
4 going to be leaking out to other classes to provide that
5 subsidy; right?

6 A. That's correct.

7 Q. Okay.

8 MR. RUSSELL: Thank you. That's all I have.

9 THE WITNESS: Thank you.

10 PRESIDING OFFICER: Okay. Thank you,
11 Mr. Russell. I appreciate that. We'll turn to
12 Mr. Cook.

13 MR. COOK: We have no questions.

14 PRESIDING OFFICER: Okay. Mr. Davidson, do
15 you have any questions?

16 MR. DAVIDSON: Yes, I do, Mr. Chairman. Thank
17 you.

18 CROSS-EXAMINATION

19 BY MR. DAVIDSON:

20 Q. Good morning, Mr. Summers.

21 A. Good morning.

22 Q. I hope I don't steal Commissioner Harvey's
23 thunder today. I have a little bit for you today.

24 So, Mr. Summers, I'd like to start with the
25 consideration of the basic service fee portion of your

1 testimony in your direct at pages 15 and 16, if you have
2 that in front of you.

3 In there, you suggest that "The Basic Service
4 Fee should be set at a level sufficient to collect the
5 minimum required amount to service an average customer
6 in that Basic Service Fee category regardless of their
7 usage."

8 Do you see that reference?

9 A. Yes.

10 Q. And am I correct that in that portion of your
11 direct testimony, in EGU Exhibit 5.08, explains how the
12 Company ensures that such a minimum required amount is
13 recovered from the average customer in each meter
14 category; correct?

15 A. Correct.

16 Q. And as you explained at lines 399 through 401
17 of your direct testimony, the Company's averaged gross
18 investment was reduced in the analysis presented in EGU
19 Exhibit 5.08 to show only relevant investment amounts to
20 be included in the basic service fee; correct?

21 A. That's correct.

22 Q. Okay. Now, lines 422 through 425 on page 16
23 of your direct include the discussion of your basic
24 service fees, at least in this part of your testimony,
25 noting that although your analysis in EGU Exhibit 5.08

1 shows the basic service fee costs for all meter
2 categories higher than the Company's current basic
3 service fees, you state that "The Company has determined
4 that the existing fees are sufficient."

5 Do you see that reference?

6 A. Yes.

7 Q. Now, am I correct -- and I think you mentioned
8 this earlier in your summary -- that there's been no
9 change in the basic service fee in 12 years; is that
10 correct?

11 A. Yes.

12 Q. Okay. Have your costs to serve customers
13 changed at all in those 12 years?

14 A. Yes. In -- in all of the recent rate cases
15 that we've done since 2013, there have been changes in
16 costs, and those costs, though not collected in the
17 basic service fees, have been collected in volumetric
18 rates or other charges.

19 Q. Other components of your -- your -- your
20 standard rates other than the BSF; correct?

21 A. That's correct.

22 Q. Okay. Now, would you agree that the basic
23 service fee analysis presented in EGU Exhibit 5.08
24 indicates that all the Company's current BSF fees
25 collect noticeably less than the Company's identified

1 basic service fee costs?

2 A. Yes.

3 Q. And why is it that the basic service fee
4 hasn't been adjusted in 12 years to catch up, at least,
5 in recovering those costs?

6 A. That's a -- that's a good question. I feel
7 like -- that I explained in -- to some extent in my
8 testimony, but in the 2013 case, it was something that
9 was highly contested that was a settled case, and the
10 parties kind of -- there was kind of an agreement that
11 there was a reason to keep those basic service fees
12 lower than what they were calculated at. And so since
13 then, the Company has just not viewed it as an important
14 change -- that hasn't been, you know, hasn't gotten a
15 lot of attention. And so those -- those basic service
16 fees have just stayed. The Company proposed for those
17 basic service fee to just remain flat.

18 Q. And why isn't that important to adjust those
19 basic service fees on a -- at least a periodic basis
20 over a 12-year period?

21 A. The -- I guess the -- the -- the reason we
22 leave those -- have proposed to leave those alone is
23 that that is something that -- I don't know -- I guess
24 it garners a lot of attention from regular -- from the
25 GS customers. There are a lot of people who are on

1 fixed income that they -- they try to save money on
2 their bill by using less gas, and if the basic service
3 fees go up, they are able -- their -- their ability to
4 save money by trying to use less gas -- that ability is
5 diminished.

6 Q. Is that the main reason why it hasn't been
7 adjusted in 12 years?

8 A. I'd say that's one of the reasons. Again, I
9 think that probably the most important thing is it just
10 hasn't been a key issue that -- that the intervenors in
11 the case have -- have been concerned about.

12 Q. Okay. I'd like to move on to a brief
13 discussion about the administrative charge. If you
14 would like to turn to your rebuttal testimony to
15 page 18.

16 A. Apparently my comically large binder is -- is
17 just a wreck. I do have my rebuttal on my desk. I
18 don't know if that's -- I'm permitted to get that.

19 PRESIDING OFFICER: You're permitted. Sure,
20 Ms. Clark, and bring it. You can go get it.

21 A. Okay. You said my rebuttal?

22 Q. (BY MR. DAVIDSON) Correct. At -- let's
23 see -- page 18. The administrative charge testimony
24 begins at line 385.

25 A. Okay.

1 Q. So would you accept that, for the large users
2 of transportation service such as Nucor, FEA, UAE, the
3 level of the Company's administrative charge has,
4 generally, a lesser impact on a customer's total
5 distribution service charges than it would for ANGC,
6 which represents greater numbers of smaller
7 transportation service customers, the TSS customers?

8 A. I want to make sure that I am answering the
9 question or that I'm understanding the question. If
10 you're saying that the -- that the administrative charge
11 has a -- is a more prevalent portion of the bill, the
12 overall bill, for a small TS customer than for a TSL
13 customer?

14 Q. Correct.

15 A. That is -- that is true.

16 Q. And at lines 390 through 420 at -- in your
17 rebuttal testimony, you begin a list of 16 separate
18 assertions regarding the Company's calculation of the
19 administrative charge that you attribute to ANGC witness
20 Oliver. Do you see that portion of your testimony
21 there?

22 A. Yes.

23 Q. And when I reviewed those -- that list of 16,
24 I didn't see any page references or number citations to
25 Mr. Oliver's direct testimony. Is this just sort of

1 your general thoughts about what he's proposed in his
2 direct testimony without any citation to specific
3 portions of that testimony?

4 A. No. Though -- though I did not put in
5 citations, those are all issues that were raised by
6 Mr. Oliver.

7 Q. All right. Well, at page 19, line 407 of your
8 rebuttal, you suggest that Mr. Oliver asserts "The
9 Company cannot provide backup regarding metering and
10 billing issues."

11 Is that an accurate representation of that
12 portion of your rebuttal?

13 A. Yes.

14 Q. Now, you mentioned your extra large binder
15 there. I assume you do not have a copy of Mr. Oliver's
16 direct testimony in it?

17 A. I do not.

18 MR. DAVIDSON: Mr. Chairman, may I provide
19 Mr. Summers with a copy, or perhaps his counsel can, so
20 I can ask him a few questions about that?

21 PRESIDING OFFICER: Sure. You can provide him
22 a copy of the testimony.

23 MR. DAVIDSON: Thank you.

24 PRESIDING OFFICER: Approach. And, again,
25 this is the prefiled direct testimony.

1 MR. DAVIDSON: Direct testimony of Mr. Oliver,
2 yes. Thanks, Mr. Chairman.

3 Q. (BY MR. DAVIDSON) All right, Mr. Summers.
4 Let me have you turn to page 56 of Mr. Oliver's direct
5 testimony and take a minute to look at lines 1186
6 through 1200.

7 A. Okay.

8 Q. So when I looked at the list of 16 items that
9 you had that we spoke about a moment ago in your
10 rebuttal, would you accept that Mr. Oliver's testimony
11 is that the Company has not provided support for its
12 position regarding metering of billing issues and
13 nowhere does he state that the Company cannot provide
14 such supporting information?

15 A. In -- in the paragraphs that I've read here
16 that you've referenced, he does not say that the Company
17 cannot. I would agree that it says in those -- in -- in
18 that reference.

19 Q. Okay. And am I correct that in your rebuttal
20 testimony, other than page 19, line 407, we don't find
21 any further discussion to support the Company's claims
22 regarding costs for employee time incurred to monitor
23 troubleshoot metering and billing issues; is that
24 correct?

25 A. Let me look at -- and you said that was my

1 rebuttal?

2 Q. Your rebuttal, yes, page 19.

3 A. So those -- the list that we're looking at of
4 those issues?

5 Q. Yes.

6 A. Now that I'm looking at that, can I have you
7 restate your question.

8 Q. Sure. The -- the -- the point here, I guess,
9 is that we don't find any discussion or support of -- by
10 the Company regarding claims that cost for employee time
11 incurred to monitor and troubleshoot metering issues as
12 reflected in your direct testimony are difficult or --

13 (Reporter clarification.)

14 Q. (BY MR. DAVIDSON) -- problematic.

15 A. Yeah. So to answer your question, I would
16 be -- in my -- in my rebuttal testimony, and I believe I
17 addressed that in a question on line 508 of my rebuttal
18 testimony where it talked about such an exercise of --
19 of keeping track of all of those visits. And -- and the
20 work that was done for specific customers in different
21 classes would -- would take an enormous amount of time
22 by EGU employees, which would likely increase the
23 administrative charge.

24 Q. Okay. And one of the things that I noted from
25 your discussion of the administrative charge and the

1 response to Mr. Oliver is it appears that there's not
2 a -- I'll call it timekeeping system that the Company
3 uses for employee time dedicated to certain functions;
4 is that correct?

5 A. That's correct.

6 Q. And why is that? Isn't that an important
7 aspect of determining labor costs and aspect -- in the
8 aspect of ratemaking?

9 A. I don't think it's a -- I don't think it's
10 something that needs to be done. There's -- there's --
11 nor do I think that would be a good use of time.
12 When -- when we have maintenance that needs to be done,
13 for example, on these -- on these meters, if a
14 technician needs to go out and change a battery in -- in
15 equipment, or if a technician needs to go out and -- I
16 don't know -- check for why equipment isn't responding,
17 they are -- they are recording their time in -- in ways
18 that are -- that are logical.

19 But if you were asking that employee to then
20 track their time for which class of customers were they
21 serving -- and, you know, I think there's no end to
22 how -- how deep you could go, how -- how detailed you
23 could look. A lot of these, as I've mention in my
24 rebuttal, it would -- it would take more time for that
25 employee to be recording their time in all of these

1 detailed ways. And for purposes of -- of cost
2 allocation, the way that we're doing it -- using studies
3 and -- and asking for -- for -- asking for maybe a
4 survey of -- of the people who are doing that work for
5 how much time they spend on those. Those are accurate
6 ways to get those -- those costs allocated.

7 Q. And I think in your answer you are concerned
8 about the level of detail, but as I understood your
9 prior response, there are -- there is no timekeeping
10 system at all regardless of a level at which the detail
11 is reported?

12 A. That's correct.

13 Q. Okay. At page 50 of Mr. Oliver's direct
14 testimony, the copy I provided to you, at lines 1062
15 through 1069, he observes that the administrative charge
16 analysis more than doubles the percentage of gas supply
17 costs assigned to transportation service customers
18 compared the analysis the Company presented in the last
19 rate case; is that correct?

20 A. You're on page 50? What was the line
21 reference?

22 Q. 1062 to 1069.

23 A. In that -- in the answer that Mr. Oliver
24 provides there, I don't think he says that it doubles --
25 oh, you're saying that it doubles just that --

1 Q. Yeah.

2 A. -- that one component?

3 Q. Correct.

4 A. Yes. And -- and I believe we addressed that
5 in rebuttal, that there were personnel changes in -- in
6 certain departments. There was a cell of -- as we've
7 separated our -- ourselves from MountainWest Pipeline,
8 there are certain costs that used to be shared that are
9 now just Company. They're -- they're not shared with
10 anybody else. They're just directly from the Company.
11 So I think we explained why those costs have increased.

12 Q. And the cost that you just mentioned -- are
13 those labor costs that are now -- that were shared but
14 are now just the responsibility of EGU?

15 A. Yes.

16 Q. Now, other than the separation that you just
17 mentioned of EGU from its prior relationship, in your
18 rebuttal, there's no explanation that caused the
19 increases in labor and labor overhead from some
20 departments to be flagged as abnormal, is it?

21 A. I think we did a -- I feel like we did an
22 adequate job of explaining increases.

23 Q. So back to your rebuttal testimony at page 22.

24 A. Okay.

25 Q. At lines 486 to 492.

1 A. Okay.

2 Q. And that question and answer and those lines
3 you ask yourself a compound question, and the answer was
4 then no. Do you see that reference?

5 A. Yes.

6 Q. Is that no to the question is EGU's nomination
7 process highly automated, or a no to the notion that
8 marketers do most of the nomination work for customers,
9 or both?

10 A. It is an answer to both.

11 Q. Both. Do you agree with Mr. Oliver when he
12 cites from EGU's response to ANGC Data Request 2.05,
13 which I'll reference -- It may be in your big binder --
14 but I'll reference that it states currently there is
15 only one customer who is not set up to be nominated for
16 by a gas supplier, and indicates there's 12 nominating
17 agents submitting daily nominations for more than 1,250
18 customers.

19 Do you remember that?

20 A. Yes.

21 Q. That's correct?

22 A. That's correct.

23 Q. How are the daily nominations for the
24 Company's 1,250 transportation customers we just spoke
25 about submitted? Is that done through paper submission,

1 verbal communications, electronic format, just a
2 standardized format? How do you do that?

3 A. It is -- it is through electronic means -- is
4 how those nominations are made to -- to the Company, and
5 then those nominations need to be -- they're reviewed.
6 It's not just an automatic when they come in. That's
7 what happens. But the -- we have Company personnel that
8 will review those nominations, make sure that everything
9 looks good for the next gas day and that everything's
10 lined up.

11 Q. And do they review each nomination
12 individually, or do they batch them? How do they do
13 that?

14 A. I'm not sure. I -- I've never gotten that
15 involved in that process.

16 Q. Okay. I want to turn a little bit now to your
17 rebuttal at page -- or excuse me -- lines 501 through
18 507, the hold burn to scheduled quantities topic.

19 A. Okay.

20 Q. And is it correct that EGU has not had to
21 curtail service to transportation service customers in
22 recent years but does issue these hold burn to scheduled
23 quantities requirements multiple times a year?

24 A. Yes. That's what my testimony says.

25 Q. Is there any documentation in your testimony

1 or attachments that documents the frequency of the hold
2 burn to scheduled quantity events?

3 A. No.

4 Q. Do you have an estimate or a sort of back of
5 the envelope number as to what multiple times every year
6 refers to? Is it more than two?

7 A. I would think it's more than two. And I would
8 be -- I feel like I would be speculating, but I -- in
9 the meetings -- the meetings I attend that -- where I'm
10 with them and things that I hear them talking about, it
11 is a tool that they can use frequently so -- so that
12 they are not -- it protects our system by not having
13 them over-nominate or under-nominate on days when it
14 might be cold or a holiday when -- when those
15 nominations need to be accurate.

16 Q. But you don't have a number in mind --

17 A. I do not.

18 Q. -- as an average number of times per year that
19 this has occurred?

20 A. I don't.

21 Q. Does anybody else -- any other witnesses today
22 have that information?

23 A. I don't think any of the witnesses here today
24 would -- would have that.

25 Q. Okay. So the Company's tariff at page 5-21

1 allows customers or nominating parties to exchange or
2 aggregate imbalances at a given receipt point in order
3 to avoid or mitigate penalties during hold burn to
4 schedule quantities.

5 Do you recognize that reference?

6 A. Yeah. I don't have -- well, I might have the
7 tariff in this -- that is probably what is in my -- in
8 my binder.

9 Q. That's my paraphrase of it but --

10 A. Yeah. That -- but that sounds --

11 Q. Familiar?

12 A. Familiar, yes.

13 Q. Okay.

14 MS. NELSON CLARK: I believe -- for the
15 record, I believe it is attached to Mr. Parks'
16 testimony.

17 A. Will you give me your tariff page again?

18 Q. (BY MR. DAVIDSON) 5-21. It deals with
19 aggregation.

20 A. Okay. I'm at 5-21.

21 Q. And in the paragraph that starts on the prior
22 page, about seven lines up from the bottom, there's a
23 sentence that begins "Penalties incurred," if that's
24 helpful.

25 A. Okay. Maybe for the record, do you want me to

1 read that?

2 Q. Sure.

3 A. That sentence says, "Penalties incurred during
4 Hold Burn to Scheduled Quantity restrictions that are
5 not totally avoided by aggregation shall be borne by the
6 customer or prorated among the customers causing the
7 penalty as directed by the nominating party. If no
8 direction is received, the Company will assign the
9 imbalance to each of the nominating party's accounts on
10 a pro-rata basis for all such accounts that are
11 contributing to the imbalance that adversely affected
12 the system."

13 Q. Thank you. So as I read that language, it
14 provides that if penalties are not totally avoided by
15 aggregation, a nominating party, in other words a
16 marketer, can prorate the penalty among the customers in
17 an aggregation causing the penalty; is that correct?

18 A. That's correct.

19 Q. All right. Let's go back to Mr. Oliver's
20 direct testimony at page 52 and the issue regarding
21 maintenance material that's included in the
22 administrative charge, and I'm looking at lines 1102
23 through 1109.

24 A. Okay.

25 Q. All right. And that indicates that the

1 maintenance materials represent essentially the second
2 largest component of EGU's claimed administrative costs.
3 Would you agree with that?

4 A. That is what Mr. Oliver's testimony says, yes.

5 Q. And do you agree with him in that regard?

6 A. I think I would need to look at my own
7 exhibit, the calculation of the administrative charge,
8 to see if it's the second largest, but that -- that cost
9 for maintenance material of \$609.10 does look correct.
10 If you give me just a moment, I can verify.

11 Q. Sure.

12 A. Yes. I would agree with that.

13 Q. Okay. And I didn't see anywhere in the
14 testimony or attachments that there's support for that
15 \$609.10 per customer value. Is there any backup for
16 that that you can provide with respect to the
17 calculation of the maintenance material cost?

18 A. I believe the -- the only data that will be on
19 the record is what -- is what I proposed in my direct
20 testimony and backed up with rebuttal and surrebuttal.

21 Q. Okay. All right. So let's stay continuing
22 with the equipment. Let's talk a little bit about
23 telemetry portion of your testimony at rebuttal -- your
24 rebuttal at page 20, lines 430 through 432.

25 A. Okay.

1 Q. In there, you represent that "Those
2 responsible for maintenance of telemetry equipment
3 report needing an extra hour for maintenance every year,
4 and these costs have been included."

5 Do you see that reference?

6 A. Yes.

7 Q. Is there any further justification for the
8 additional -- I'll say labor expense -- for this
9 telemetry maintenance function?

10 A. I think the -- the answer to that would be
11 just what's in -- the evidence that's in my direct
12 testimony and rebuttal and surrebuttal. Again, the --
13 the way that that was determined is that we talked with
14 the actual technicians. We surveyed them, we talked
15 with them and said, "How long are you spending on
16 these?" And they said it's -- I think it was four hours
17 instead of three that had been used in the prior case.
18 So I have no reason to inflate that number. It was just
19 a question asked of them.

20 Q. And do you have any knowledge as to what added
21 a third of the time to one -- make -- would go from
22 three to four hours for that function?

23 A. No.

24 Q. Okay. Page 26, lines 592 through 596 of your
25 rebuttal, your answer to the question of whether

1 telemetry equipment is a disincentive for customers to
2 join the transportation classes is no, and you suggest
3 that telemetry is an absolute necessity for the Company.

4 Do you see your portion of your testimony
5 there?

6 A. Yes.

7 Q. Isn't the question of whether the cost of
8 telemetry to serve transportation customers as a
9 disincentive is a different question than whether
10 telemetry is necessary to serve transportation
11 customers?

12 A. I guess it depends on what you're looking at
13 as a -- as a disincentive. If -- if you're looking at
14 it as the Company is intentionally causing a
15 disincentive for customers to join the transportation
16 class, the answer to that would be no and that equipment
17 is necessary.

18 And if your question is do expenses act as a
19 disincentive, I think that that's -- that's something
20 that individual customers need to look at to see if --
21 if it's something they can save money by going to the
22 transportation class, or if they can stay where they're
23 at, or whatever. But I don't think that there's an
24 intentional disincentive in mind when the Company is
25 charging for those -- for that equipment.

1 Q. And as far as the cost goes, would you
2 agree -- I think you stated that page -- oh, no. Excuse
3 me. Mr. Oliver's direct testimony page 68 references a
4 \$7,600 per customer telemetry cost.

5 Does that sound familiar to you?

6 A. Yes.

7 Q. At page 24 of your rebuttal testimony, lines
8 553 through 557, is it your position that the Company's
9 transportation service rates and tariff provisions are
10 designed to ensure customers who elect transportation
11 pay their fair share of the costs incurred to serve them
12 so as not to cause operational burdens or gas supply
13 planning challenges to the Company?

14 A. Yes. That's what it says in my testimony.

15 Q. Okay. And should the Commission conclude from
16 that statement that large firm sales service customers
17 serve under the Company's GS and FS rate schedules who
18 do not establish contract demands and who are not
19 subject to daily nomination requirements cause no
20 operational burdens or supply planning challenges?

21 A. I would not say that. They are -- I would
22 just say that they are handled in a different -- in a
23 different way.

24 Q. And in what way is that different from the
25 transportation service function?

1 A. Yeah. So rather than having a marketer that
2 nominates the -- the customer's planned gas usage like
3 in the transportation class, in the sales classes, the
4 Company's gas supply group is the one that's out
5 purchasing gas for those -- for those customers. So
6 those costs are not charged in a -- you know, for an
7 administrative charge. They are just charged as -- as
8 part of general rates to those customers.

9 Q. Does the telemetry that we talked about a
10 moment ago that's used for the transportation service
11 function reduce the operational burdens and planning
12 challenges for the Company?

13 A. The telemetry equipment is used to read the
14 meters. So it's a -- and it -- and it might be used in
15 purposes of, you know, to track penalties, and that
16 might be happening due to imbalances or in the case of a
17 hold burn scheduled quantity. That's why the Company
18 needs that telemetry data on -- on a daily basis.

19 Whereas the sales customers, those processes are managed
20 by the Company's gas supply group on an aggregate basis.

21 Q. Okay. Would you agree or accept for a
22 customer using 3,000 dekatherms a year, an upfront cost
23 of \$7,600 for telemetry equipment equates to more than
24 the total annual charges EGU would bill to the customer
25 for distribution service under the sales or TSS rate

1 schedules?

2 A. I don't think I've seen the math running those
3 volumes through -- through the blocks. So I'm -- I
4 don't think I can answer that.

5 Q. Okay. Now, if a customer switches from
6 transportation to sales -- transportation service to
7 sales service, the telemetry that we've been speaking
8 about that the customers pay for upfront -- as I
9 understand your rebuttal testimony -- is not reused by
10 the Company?

11 A. That's correct.

12 Q. And why is that? Isn't there another function
13 that that equipment can be applied to be used for?

14 A. And I've asked that question before as well.
15 The answer that -- that I was told is that -- and this
16 makes sense -- that there's a lot of different needs for
17 a lot of different customers. So if one customer no
18 longer needs their telemetry equipment, it's not
19 something that we want to just have sitting in a
20 warehouse, taking up space, waiting for another customer
21 to come along that has that exact requirement. The
22 warehouse would just be -- we would need more space to
23 keep all of that equipment.

24 So once the equipment -- if a customer says
25 they no longer want to be a transportation customer,

1 that equipment is no longer used.

2 Q. Is that because the particular telemetry
3 equipment for an individual customer is customer
4 specific with respect to their defined needs?

5 A. Yes.

6 Q. And if our -- in my example, our
7 transportation customer switches to sales service for
8 some period of time and then decides to come back, I
9 assume that their piece of telemetry equipment is no
10 longer available. They have to start all over with a
11 new purchase and a new installation of telemetry
12 equipment; is that correct?

13 A. That's correct, and that's how it's laid out
14 in the Company's tariff.

15 Q. Right. Can the customers keep that telemetry
16 equipment since they've paid for it?

17 A. I don't believe so. I think that -- that that
18 equipment belongs to the Company -- is what the -- the
19 tariff says. And so that equipment is -- is also taken
20 by the Company.

21 Q. So you don't pay for it, but it's yours?

22 A. Yes.

23 Q. And why -- how does that work? Does it go
24 into your rate base when it's paid for by a customer?

25 A. It's not included in rate base, but for

1 purposes of maintaining the equipment, the Company is
2 responsible for maintaining that equipment. And so that
3 equipment belongs to the Company.

4 Q. Okay. Covered a few of these things already.
5 So let me skip ahead here.

6 One question that has come up, at least from
7 my client's perspective, is whether the settlement of
8 Phase I in this case and the revenue requirement agreed
9 to by the parties in that settlement agreement has
10 flowed through the rate design in Phase II.

11 A. It has flowed through the -- the most recent
12 model that the Company has filed is in my surrebuttal
13 testimony, and that model does flow all the way through.
14 So it would include all the cost of service and rate
15 design changes applied to that Phase I settlement
16 amount.

17 Q. And just for the record, am I correct that
18 that's EGU Exhibit 5.15R?

19 A. It's actually 5.16SR.

20 Q. Okay. I was close.

21 A. Yeah.

22 Q. All right. And in that correct exhibit, am I
23 understanding that the Company's full 7.61 overall rate
24 of return was used for computing class revenue
25 requirements?

1 A. The way that we modeled it, we left -- because
2 we did not want to put in a return on equity or any
3 specific accounting adjustments because the Phase I
4 settlement did not have any of those included. So we
5 left the return on equity and all the cost of capital
6 the same as it is -- as it was proposed by the Company
7 in the general rate in Phase I. But we added just an --
8 an adjustment to the overall revenue to -- to get the
9 overall revenue down to the correct amount.

10 Q. And does the -- the 7.61 rate of return --
11 percent rate of return factor into what you just told me
12 at all?

13 A. So remind me where you're getting the 7.61
14 before I --

15 Q. So let me back up here.

16 A. If that's the Company's current --

17 Q. Yes. The --

18 A. -- proposed capital structure, that is not
19 in -- in the model. The Company used what it proposed
20 originally in Phase I in the model, but, again, that --
21 that -- that return does not have an impact on the
22 overall revenue that is being collected because there's
23 just a one-time adjustment to the model.

24 Q. So in the final version, EGU Exhibit 5.16SR,
25 did you say?

1 A. Yes.

2 Q. SR. Does that reflect the proposed monthly
3 demand charge per dekatherm of contract demand at
4 five-point -- excuse me -- \$5.64? Do you know?

5 A. That sounds like the right rate. I'm -- I
6 would have to verify. It's the Company's proposed. It
7 doesn't reflect any changes for any of the other
8 parties' proposals in surrebuttal or anything. It's
9 just the Company's calculation.

10 Q. Let's say, subject to check, \$5.64 sounds
11 right.

12 A. Right.

13 Q. Okay. Now, the Company's initial proposed
14 demand charge for the TS customers was \$4.69 per
15 dekatherm per month; is that correct? Subject to check
16 again.

17 A. Yes. The important thing to note is that
18 in -- in that 5.16 SR, there was an adjustment made. So
19 in -- I'm going to do my best to explain the history on
20 this. When we did 5.15 for my rebuttal testimony, there
21 was -- we tried to include a lot of the different
22 parties' proposals in that model, and then as we were
23 doing that, we broke a formula that was referring to the
24 60/40 split.

25 And I -- I talk about this in my surrebuttal

1 testimony. So in the surrebuttal testimony, we fixed
2 that -- that formula in the spreadsheet so that it's
3 referring to the 60/40 correctly. So I would -- I would
4 really have to check to see what the rate is for that
5 demand charge because there was a correction made to it,
6 and that was something that Ms. Higgins pointed out to
7 us that we -- we corrected.

8 Q. And in the Company's previous electronic model
9 that was filed as EGU Exhibit 5.14U -- I think that's
10 where you're referring to?

11 A. Mm-hmm.

12 Q. Okay. That indicated that the Company's TS
13 demand charge current rate is \$3.37 per dekatherm per
14 month. Does that sound familiar from that exhibit?

15 A. Let me look at one thing. I think I can get
16 you that. In the Company's original proposal -- I'm
17 looking at my direct Exhibit 5.10, and I'm looking at
18 currently page 4 of 5 on that. This is a summary of the
19 proposed rate design, and I'm looking in column D,
20 line 14, on page 4, and that shows that the current
21 effective rate was \$3.37. And then if I look on that
22 same line in column H, the Company's proposed rate was
23 \$4.69.

24 Q. Exactly. Thank you for checking that. Now,
25 what I'm interested in, Mr. Summers, is how you explain

1 that, despite the reduction in the Company's revenue
2 requirement request that's now been settled in Phase I
3 of this proceeding, you're now proposing a significantly
4 higher demand charge for transportation service
5 customers.

6 A. Again, I think I would have to verify in
7 the -- in the most recent model what that rate is
8 because in -- in the rebuttal model, there was a --
9 there was a math error, and so I would need to verify
10 what it is in the surrebuttal model to make sure that
11 that was corrected. It did make the rate too high in
12 the rebuttal model. So I would need to verify what it
13 is in the surrebuttal model.

14 Q. So it was too high in the rebuttal, but
15 perhaps moderated some in surrebuttal?

16 A. That's correct.

17 Q. But is it still higher than the proposed
18 4.6 -- excuse me -- \$4.69 per dekatherm per month value?

19 A. I would -- I would have to check.

20 Q. Have you presented any assessment of the bill
21 impacts that would result for TSS customers with respect
22 to the increased monthly demand charge?

23 A. No. There are no -- there was no analysis
24 showing a typical bill.

25 Q. Is that something that you think would be

1 important information for the Commission to be aware of
2 in this proceeding?

3 A. It would be important. And let me back up a
4 little bit on saying that because there weren't exhibits
5 showing a typical bill, but that exhibit I was just
6 looking at, that 5.10, does show the effect of increase
7 on -- on rates overall. It shows the effect of the --
8 the increases that are -- that they would see. It just
9 does not show customers of different sizes.

10 And that's where you get into kind of a hard
11 exhibit to -- to show -- is what is a typical TSS
12 customer? Because you've got customers that are using
13 varying amounts of gas. You've got customers with
14 different amounts of firm demand. So saying who -- what
15 does a typical customer look like, it depends on the
16 customer and what you would call typical. So it's --
17 that's why we included that.

18 Q. All right. Well, I guess, regardless, subject
19 to check, you and I agree that the rates have gone up --
20 the proposed rates, I should say -- have gone up in the
21 information you've provided in your surrebuttal in
22 Phase II here as a result of the settled revenue
23 requirement in Phase I; correct?

24 A. Yes. Because there was an increase in the
25 revenue requirement, all classes have seen an increase

1 in rates.

2 Q. Okay. Let me have you turn to page 26 of your
3 rebuttal testimony.

4 A. Okay.

5 Q. And there you have a discussion of parallel
6 service provisions.

7 Do you see that reference?

8 A. Yes.

9 Q. Have you presented any evidence in this
10 proceeding regarding the manner in which other gas
11 distribution utilities price sales service and
12 transportation service in other jurisdictions?

13 A. No. All of my testimony is just relative to
14 our Company.

15 Q. Have you ever looked at other jurisdictions
16 and how they set forth sales and transportation service
17 rates for their customers?

18 A. I haven't explored it very deeply. I think
19 that when there's a -- there's a lot of things that go
20 into how one state might do things versus another state.
21 And in -- in our case, I know that we rely a lot on
22 precedent and what we've done in the past. That's what
23 I -- I've said now multiple times.

24 So it's hard for me to look at another state
25 and to -- to get some value out of that because I just

1 don't know the whole history and, you know, what parties
2 are concerned about, what -- what has been a hot topic,
3 or what's been settled in the past. Those kinds of
4 things I just don't know.

5 Q. So you haven't looked at any other states that
6 maybe lean heavily on precedent like you've indicated is
7 done here to see how you compare to that?

8 A. No.

9 Q. Would you agree with me that if a customer
10 shifts from firm sales service to firm transportation
11 service, the Company gets greater certainty in terms of
12 the demand expected on the system through the nomination
13 process?

14 A. No. I don't think there's more certainty.
15 Our -- our gas supply group has -- has a pretty good
16 process in place to make sure that they're buying just
17 enough gas and not too much gas on -- on any given day
18 based on weather forecasts and -- and how much gas we
19 typically need to buy for certain situations.

20 Q. So there's no real benefit for the nomination
21 process and the transportation service function of the
22 Company?

23 A. There -- there certainly is because our -- our
24 gas supply group does not purchase gas for those
25 customers. They -- they need to -- so their -- their

1 nomination process is -- is critical -- that they let us
2 know how much gas they intend to use on a day and how
3 much we are expecting to bring onto our system.

4 Q. With respect to restrictions on the timing for
5 new transportation customers, as I viewed it, the shift
6 to transportation service is only permitted on one date
7 each year, July 1st; is that correct?

8 A. That's correct.

9 Q. And why is that?

10 A. The -- well, the tariff spells it out that
11 way. The -- the reason the tariff spells that out that
12 way is because the -- of the Company's IRP process.
13 There are -- we want to make sure that as we are looking
14 at how much gas we need to buy for our customers, how
15 much gas, you know, we need to make sure we have all --
16 enough supply sources. We need to know how many firm
17 sales customers we will have.

18 So if they are following the guidelines in the
19 tariff and those deadlines that are laid out, that gives
20 us the information we need to properly model our -- our
21 forecasts for the integrated resource plan.

22 Q. And how often do you file your integrated
23 resource plan?

24 A. We file it early June every year.

25 Q. Okay. So that requires the knowledge from the

1 prior July 1 determination of whether you're going to be
2 a transportation customer to be included in your June
3 IRP filing?

4 A. It's -- it's more current than that. So we
5 need to know -- in the tariff, it talks about how they
6 need to notify the Company by -- I'll say it's February.
7 There's a date in February that they need to notify us,
8 and then we have to have certain agreements in place.
9 There are -- there are other deadlines that happen
10 before they become that TS customer or that
11 transportation customer in July.

12 So as we are getting their -- their
13 information during -- between February and March, April,
14 that gives us the information that we need to plan for
15 the IRP, which runs from June of one year to May to the
16 next.

17 Q. Are there any adjustments to the IRP during
18 its 12-months life until the next filing?

19 A. No.

20 Q. It's fixed?

21 A. It is.

22 Q. All right. At page 25 of your rebuttal
23 testimony -- and we're almost getting to the end here --
24 lines 570 through 577, you respond to Mr. Oliver's
25 proposal regarding purchase of receivable program.

1 A. Correct.

2 Q. Do you see that reference?

3 A. I do.

4 Q. Okay. And you state that the Company has had
5 experience with other programs that involved billing of
6 service for other entities, and it, quote, "has no
7 appetite for doing it again," close quote.

8 Do you see that?

9 A. I do.

10 Q. Can you give me some background or reference
11 as to what those experiences are that you're referring
12 to here involve?

13 A. Yes. There was a home warranty program that
14 the Company has billed for in the past and is getting
15 ready to step away from that, and I don't know if I -- I
16 don't want to, again, put words into everybody here's
17 mouth, but I know it was something that everybody agreed
18 on. I'll just say that.

19 Q. Okay. Any other examples?

20 A. No. That's the only company that the Company
21 has -- that Enbridge, prior Dominion, has billed for.

22 Q. And are you aware that utilities in other
23 parts of the country do offer such purchase of
24 receivables programs for transportation service
25 customers and do so without major problems?

1 A. I wouldn't be surprised if -- if they did,
2 but, again, it depends on what -- what is happening in
3 those other states. If they have -- I mean, we have an
4 affiliate in Ohio that doesn't have -- they don't have a
5 gas supply team in the way that we do. They have
6 customer choice where customers have to find a supplier,
7 even residential and firm sales customers have to find
8 another supplier.

9 So in -- in a case like that, a purchase of
10 receivables program might be a different -- might have
11 different merit. In -- in ours, I think that it's a
12 Company -- it's that marketer's responsibility to deal
13 with problems that they have with their customers.

14 Q. Okay. But would you agree with me that the
15 home warranty program that you mentioned a moment ago is
16 significantly different than a purchase of receivables
17 program that might involve transportation gas service or
18 some other type of function that you could use that
19 program for?

20 A. I think it's a different program. But with
21 that said, I would still stick with what I said before,
22 that I think it's the marketers -- part of the marketers
23 operating their business to -- to manage that -- their
24 customers in that process.

25 Q. So, Mr. Summers, you may need to check on

1 this, but am I correct that in your initial rate design
2 proposal for the TSS rate schedule -- that increased the
3 volumetric charges for TSS customers by a uniform
4 0.47516 cents per dekatherm.

5 Does that sound familiar?

6 A. I would have to check. Again, I could go to
7 Exhibit 5.10 in my direct testimony maybe to verify that
8 that's what the original proposal was. I don't know if
9 that's something you want me to --

10 Q. Well, does that sound vaguely familiar at
11 least, subject to check?

12 A. I -- I would have to check.

13 Q. Okay. So let me just ask another couple
14 questions here, and then if you need to go look, we can
15 do that.

16 Would you agree that the current block three
17 charge for rate schedule TSS is 0.19707 cents per
18 dekatherm?

19 A. Again, subject to check.

20 Q. And your initial proposed block three charge
21 for rate schedule TSS was 0.67223 cents per dekatherm?

22 A. Yes. I -- and I -- I will also say that a lot
23 has changed since the Company's original proposal, and
24 in -- in the Company's surrebuttal, in my surrebuttal,
25 we agreed with Mr. Oliver's -- because that would have

1 been his rebuttal testimony -- where we agreed that
2 those -- the changes in those block breaks should --
3 should follow a different percentage increase.

4 Q. And prior to changing the percentages in the
5 block rates that you mentioned you agree with Mr. Oliver
6 on, would you accept that the Company's initial proposed
7 block three charge for rate schedule TSS represented a
8 241 percent increase in that charge?

9 A. Yes, and that's why we changed that in the
10 surrebuttal.

11 Q. Okay. Thank you. Mr. Summers, has the
12 Company provided any quantitative analysis to support
13 the assessment of the full costs of the product you
14 believe EGU's transportation service customers are
15 purchasing?

16 A. Can I get you to restate or just to reask that
17 question.

18 Q. Sure.

19 PRESIDING OFFICER: We can have it read back
20 if you'd like, or he can restate it.

21 MR. DAVIDSON: I'm happy to restate it,
22 Mr. Chairman.

23 PRESIDING OFFICER: Okay. Thank you.

24 Q. (BY MR. DAVIDSON) Has the Company provided
25 any quantitative analysis supporting the assessment of

1 what I'll refer to as, quote, "full costs," close quote,
2 of the product you believe the Company's transportation
3 service customers are purchasing?

4 A. Yes. The -- the entire cost of service
5 study -- all of those studies that we've done, whether
6 it's the 60/40 allocator or the throughput allocator,
7 customer assistance expense allocator -- all of those
8 combined provide a very quantitative analysis showing
9 that the rates charged to all of the customer classes
10 are -- are reasonable and justified.

11 Q. And would you agree with me that the primary
12 service transportation service customers purchase from
13 the Company is the delivery of third-party gas to their
14 facilities within the Company's service territory?

15 A. Yes. Yes. And that's why in the tariff those
16 customers are -- the primary rate that is on their
17 tariff sheets is the distribution non-gas cost.

18 Q. And would you also agree with me that the
19 Commission doesn't regulate the cost of acquiring gas by
20 third-party transportation customers, but they regulate
21 the distribution service that you provide?

22 A. Yes.

23 Q. If the Commission doesn't regulate the prices
24 for the gas that the transportation service customers
25 pay, do you believe that the full cost of the product

1 purchased, including commodity cost, is relevant to the
2 Commission's determination of rates for transportation
3 customers?

4 A. I think it's important for them to consider
5 what their gas costs are, and the reason I would say
6 that is because when you're looking at a typical sales
7 customer, you're looking at -- typically, when we show a
8 typical bill calculation like we've shown in the
9 Company's exhibits, that includes their commodity so the
10 Commission can see what the total cost to that customer
11 for total gas usage would be.

12 So I think it would be -- in times when you're
13 comparing maybe a transportation customer to a sales
14 customer, you might be good to include the -- the cost
15 of the commodity -- an estimate for that cost.

16 Q. So is it the Company's position that
17 transportation service customers that purchase gas
18 supplies at a lower cost per dekatherm than firm sales
19 customers -- this would mean that that's the case --
20 justifies charging transportation service customers more
21 for the delivery services they receive from the Company?

22 A. No. That's -- that's absolutely not how it
23 should be. The -- the Company doesn't consider where --
24 where a customer gets its commodity supplies. We're
25 just doing cost of service studies that look at the

1 total cost of the distribution system, and it allocates
2 those costs to the various classes without -- without
3 regard to where the gas is coming from.

4 Q. Okay. Thank you, Mr. Summers.

5 MR. DAVIDSON: Mr. Chairman, those are all my
6 questions.

7 PRESIDING OFFICER: Okay. Thank you,
8 Mr. Davidson. We'll turn to Major Newton.

9 Do you have any cross?

10 MAJOR NEWTON: Briefly, Commissioner.

11 PRESIDING OFFICER: Okay.

12 MAJOR NEWTON: And that's not just for the
13 sake of your neck, Mr. Summers.

14 CROSS-EXAMINATION

15 BY MAJOR NEWTON:

16 Q. Would it be accurate to say that the Company
17 uses design day demand of its customers to design the
18 capacity of the distribution main system?

19 A. Yes.

20 Q. And does that design day capacity include the
21 capacity or commodity volumes contained in the
22 throughput factor?

23 A. I think you're looking at two different
24 things, and I'm -- I'm going to use just a little
25 scenario since we're so close to Thanksgiving. It might

1 help maybe explain this a little bit. But my family --
2 we -- we eat turkey sandwiches all through the year.
3 And so on our grocery list, there's always deli meat for
4 buying turkey all throughout the year, and that's kind
5 of our average turkey throughput. But when I was --
6 it's a good -- I know. It's a good one.

7 But -- but preparing for next week, we are --
8 we are buying a lot more turkey for -- for Thanksgiving,
9 and so that -- that is our -- our peak day turkey that
10 we have to -- that we have to get. Now, my kids are
11 still going to eat turkey sandwiches next week, and so
12 it's -- it's hard to say that it's -- that the two are
13 separate. But -- but we still need to be buying average
14 turkey, but we need to buy peak day turkey as well. So
15 I think that they are two different -- two different
16 things that we're looking at.

17 Q. And, Mr. Summers, I went to public school. So
18 I really appreciate that.

19 So if I'm understanding you correctly, your
20 system is being billed for the amount of processed bird
21 as well as full bird that you're going to use throughout
22 the year?

23 A. That's correct.

24 Q. Thank you. That's all my questions.

25 PRESIDING OFFICER: Okay. I'm going to have

1 that printed out -- have that part of the transcript so
2 we can refer to it in the future.

3 THE WITNESS: You can frame that on your -- on
4 your wall.

5 COMMISSIONER HARVEY: We're going to send it
6 to you.

7 PRESIDING OFFICER: And your comment, Major
8 Newton.

9 Okay. Let's turn to Ms. Mitchell, see if she
10 has any redirect.

11 MS. MITCHELL: Just one set of questions,
12 Chairman. Thank you.

13 REDIRECT EXAMINATION

14 BY MS. MITCHELL:

15 Q. Mr. Summers, do you recall that Mr. Davidson
16 was asking you about the administrative charge to
17 transportation customers?

18 A. Yes.

19 Q. And one of the topics of conversation was
20 about increases in the costs experienced that led to an
21 increase -- increases in cost experienced by the Company
22 that led to an increase in costs in that administrative
23 charge, rather?

24 A. Yes.

25 Q. And you mentioned as an example labor costs

1 had increased because of the EGU separation of -- for
2 MountainWest Pipeline, as far as having shared a
3 particular group of employees, and that -- and that
4 feature was no longer a shared element, and so EGU is
5 bearing the full costs?

6 A. That's correct.

7 Q. And did the Company also experience an
8 increase due to no longer sharing any software costs?

9 A. Yes.

10 Q. And -- and what was that software platform
11 and -- and the change that led to an increase in costs?

12 A. Well, if I remember the name of the
13 software -- I'm going to look at exhibit -- there's a
14 lot of things going on on this desk right now. Software
15 is for -- is used for the nomination process. If I can
16 get there.

17 That is called Quorum Software. And I'm
18 looking at Exhibit -- EGU Exhibit 5.09, and that is
19 row 17.

20 Q. And the costs of that Quorum Software were
21 originally a shared cost; is that correct?

22 A. That's correct.

23 Q. And they are now -- the costs of that Quorum
24 Software are now fully borne by EGU?

25 A. That's correct.

1 Q. Okay. I have nothing further. Thank you.

2 PRESIDING OFFICER: Okay. Does those
3 questions generate any recross?

4 MR. SNARR: I have a very narrow area of
5 recross I'd like to explore.

6 PRESIDING OFFICER: You may do so, Mr. Snarr.
7 Thank you.

8 CROSS-EXAMINATION

9 BY MR. SNARR:

10 Q. Mr. Summers, in your rebuttal testimony at
11 page 5 and following over to page 6, you have some
12 charts that you have presented that demonstrate the
13 Phase I settlement amount, and you've worked through
14 your modeling to demonstrate the impact of -- as I see
15 it -- embracing your historic allocation of 60/40 versus
16 some of the other parties' proposals; is that right?

17 A. That is right.

18 Q. Now, you've answered some questions
19 Mr. Davidson propounded to you suggesting that, from
20 your rebuttal testimony to your surrebuttal testimony,
21 there had been some tweaking or refining of your model
22 in certain results?

23 A. That's correct.

24 Q. My question is do those refinements affect the
25 accuracy or validity of these charts identified on

1 page 5 and 6?

2 A. The answer to that would be no. There's no
3 effect to these tables. These are cost of service
4 results, and the mathematical error was in the rate
5 design side of the -- of all of the calculations.

6 Q. Thank you.

7 PRESIDING OFFICER: Thank you, Mr. Snarr.

8 All right. Let's turn to the Commission.
9 Commissioner Clark?

10 COMMISSIONER CLARK1: I don't have any
11 questions. Thank you.

12 PRESIDING OFFICER: Okay. Dare I ask?
13 Commissioner Harvey, do you have any questions?

14 COMMISSIONER HARVEY: I do.

15 PRESIDING OFFICER: Okay. Remember we're
16 coming up on a lunch break. We're -- we have -- we'll
17 finish Mr. Summers. Go ahead. Just teasing you.

18 EXAMINATION

19 BY COMMISSIONER HARVEY:

20 Q. All right. You mentioned that you, I think in
21 your direct testimony, had talked about the natural gas
22 vehicle program that you then mentioned a different
23 witness -- I believe you said Stephenson?

24 A. Yes.

25 Q. Had talked about it later in the case. Which

1 witness should I address NGV questions to?

2 A. Oh, that's a fun question. I -- I could
3 pitch, I suppose, but I think if it's something that is
4 a cost allocation question on how -- or maybe how the
5 subsidy is allocated, I can address those. If it's
6 related to the NGV program and the NGV stations, that
7 might be better for Mr. Stephenson. But if you want me
8 to take a crack at them, I'd be happy to try. And if I
9 can't answer them, we --

10 Q. Well, it's -- one -- one line of questioning
11 is about the stations, and I can certainly defer that.
12 The other -- yeah. Well, I'll give you a crack at this
13 one.

14 Other parties' testimony talked about that if
15 the -- what they termed the full cost -- I believe this
16 was DPU's testimony -- was allocated to that class, that
17 the gallon gas equivalent price, whatever that saying
18 is, would be about \$3.10.

19 Do you remember that testimony?

20 A. I do.

21 Q. Do you think it's reasonable for an NGV
22 customer to pay something that's close to the current
23 gasoline price?

24 A. I think ultimately we want the -- the class to
25 be successful. We want that -- we want to encourage

1 people to use that. In the past, we have had that
2 just -- historically that rate has been lower than the
3 price of gasoline. Just -- I think that that is
4 something that has encouraged people to use that -- that
5 class or that -- that -- use that product.

6 Whether or not it's appropriate for -- for
7 that price to be equal, I don't know that I have -- I
8 think it would -- I do think that it would threaten
9 the -- the success of the class if it was -- if it was
10 close to -- to gasoline.

11 Q. Okay. Stay with me here. Your answer has
12 prompted more questions.

13 A. Okay.

14 Q. You intimated you'd like that class to be
15 successful. My line of questioning about is whether
16 that's possible. The same testimony that supplied that
17 \$3.10 figure also talked about the total registrations
18 of automobiles capable of using natural gas.

19 Do you recall that?

20 A. Yes.

21 Q. And that is on a pretty significant downward
22 trend from what it had been?

23 A. It is, and that was in my direct testimony.
24 It shows that downward trend too.

25 Q. Are you aware of any major automobile

1 manufacturers that are producing a natural gas model
2 currently in North America?

3 A. Not for consumer cars for -- for just consumer
4 vehicles, but in the transportation sector, I believe
5 there are some advancements toward using natural gas
6 more and more. In fact, if you look at -- I don't
7 know -- the garbage truck that comes around to my house
8 is a natural gas truck, and a lot of UPS trucks are also
9 natural gas as well. So the engines that they are using
10 would use natural gas. But the -- the consumer
11 vehicles -- I'm not aware of any OEM natural gas
12 options.

13 Q. And in the past in the Company, under whatever
14 name it was at the time, has tried to pursue -- has
15 tried to pursue fleet contracts with those larger
16 vehicle users?

17 A. On -- on that, I might defer to
18 Mr. Stephenson.

19 Q. Okay.

20 A. I think he might know more on that.

21 Q. Okay. I think the rest of my questions are
22 NGV. I'll direct to him.

23 A. Okay.

24 Q. All right. A couple of questions about the --
25 that are somewhat related to the idea of peak versus

1 throughput and allocation, those type of things. I'd
2 like you to think for a minute about the many and
3 various types of equipment that make up the Enbridge
4 system in Utah. And can you identify in just very
5 general terms what types of equipment wear out because
6 of some type of stress or strain that would happen
7 during a peak day?

8 A. I would say that our -- that our equipment is
9 designed to handle a -- what I'm going to refer to as a
10 design day.

11 Q. Sure.

12 A. And -- and the only reason I'm making that
13 distinction is that we've had peak day recommendations
14 in prior cases. So our -- our system is designed to
15 handle those -- those design days. I don't know if
16 there's anything that would wear out as a result of
17 having that design day. I mean, there -- there -- the
18 head of the equipment is made to -- to handle those
19 extremes.

20 Q. So would you say for the -- the vast majority,
21 maybe 95 percent of the equipment on the system, that it
22 wears out because of actual use or just simply time
23 rather than a peak day?

24 A. I would say it's --

25 Q. Or a design day?

1 A. When we're looking at it, it might be a good
2 question to ask an engineer sometime on how -- what does
3 cause a system to -- to wear out. I know that there
4 are -- there are circumstances where time is an issue,
5 where, you know, the longer something is in the ground,
6 the sooner it's going need to be replaced. So time is
7 certainly an issue, but you've also got gas flowing
8 through it, and it's being used during that amount of
9 time.

10 So it's -- I think -- I guess I don't really
11 have a great answer for you on that. It's a combination
12 of time and of use.

13 Q. Just to clarify, when you say "use," are you
14 talking throughput use?

15 A. The -- I would say for average throughput use
16 and -- and design day use. It's going to be used for
17 both of those.

18 Q. Well, I guess I'm asking is -- is a therm -- a
19 unit of gas going through a given part of the system --
20 does it matter if it's going through in the middle of
21 the summer, or does it matter if it's going through on a
22 design day?

23 A. I don't think it matters.

24 Q. Okay. Thanks.

25 All right. One of the items that was talked

1 about in the cross was the possibility of closing the
2 transportation class to new customers?

3 A. That's correct. It's the TBF class.

4 Q. I'm sorry. Yes.

5 A. Just to -- just to bypass firm.

6 Q. Just to bypass firm. Any thoughts on how an
7 action like that relates to the utility's obligation to
8 serve?

9 A. Yeah. I think that those customers -- if
10 there was a bypass -- a customer that was a bypass risk
11 that came to us in between now and whenever that
12 moratorium ended, we would have to tell them that the
13 rates that are available to them are the other
14 transportation classes. They could join the TSL class,
15 or if it was something that warranted it, we could
16 explore the option of doing a special contract with that
17 customer, similar to what we've done with the Lake Side
18 Power Plant.

19 Q. So your testimony is you would still view it
20 that the utility themselves could still serve that
21 customer, just possibly not in the exact way they want
22 it?

23 A. Yeah. I think we could -- we could
24 probably -- we could absolutely serve that customer, and
25 the rates that are available to them are still tariff

1 rates. And -- and assuming that the -- that the TBF
2 class -- if we do look at that over the -- between now
3 and the next rate case and find a way to make sure that
4 that class is still protecting other customers, then
5 that -- if that customer qualifies for the TBF class,
6 then they would be able to join that after the
7 moratorium ended.

8 Q. Okay. Thank you. I'd like to talk for just a
9 minute about the GS class and the -- the basic service
10 fee.

11 Do you remember that line of questioning from
12 cross?

13 A. I do.

14 Q. I'd like to talk about the interactions
15 between the basic service fee, the CET, and the 191
16 pass-through. So when I'm looking at the GS class, I
17 think there's a revenue requirement amount that's
18 assigned to that class, and whether the revenue
19 requirement is assigned to that class as part of a basic
20 service fee or something that's going to be guaranteed
21 recovery through the CET or guaranteed recovery through
22 the 191, Enbridge is still going to recover that
23 revenue; is that correct?

24 A. Yeah. Let me -- let me speak to it a little
25 bit, because the -- when we're in a general rate case --

1 I don't know if you have a copy of the tariff in front
2 of you, but I have a binder full of it.

3 Q. I'll take your word for it.

4 A. But there are -- in the GS class, the -- the
5 rates that we're looking at in a general rate case is
6 just the base DNG. So it's the top line of a tariff is
7 the base DNG, or distribution non-gas. So that is the
8 amount that we are setting rates for today.

9 The -- the basic service fee is included in
10 non-gas in those distribution costs, but we -- the way
11 that we do it is we look at all of the revenue we are
12 going to collect through the basic service fee and look
13 at the revenue requirement, the overall revenue
14 requirement. Anything that's not collected in the basic
15 service fee is going to be collected in that base DNG
16 volumetric rate. The commodity has no -- or the 191
17 account has no play. It's not used at all in -- in
18 these distribution rates. That's just for the
19 commodity.

20 The place that the CET fits in is we're going
21 to charge these base DNG rates, and we're going to
22 collect revenue from our customers based on those DNG
23 rates, and that will be our -- our booked revenue. Then
24 we compare that booked revenue amount to our CET revenue
25 amount, the actual -- the allowed amount, and we're

1 going to see how close those two numbers are.

2 And then if we need to give money back to
3 customers, as has been the case for the last couple of
4 years, then we will -- we'll do that through an
5 amortization rate. If we need to collect a little bit
6 more due to the CET, we would do that through an
7 amortization rate as well. So it's more of an -- the
8 CET is more of an accounting mechanism after rates are
9 set.

10 Q. But the CET ensures that you collect the
11 required revenue?

12 A. Right. That's correct.

13 Q. So regardless of what level the basic service
14 fee is set, Enbridge would collect what has been
15 assigned to that class --

16 A. Yes.

17 Q. -- after the true-up is done?

18 A. That's correct. So even if -- if the basic
19 service fees -- and there -- there are jurisdictions
20 that have higher basic service fees, even our -- even
21 our Wyoming jurisdiction the basic service fee is a
22 little bit higher, and that just means that the
23 volumetric rate will be collecting less.

24 Q. So if a Commission had an objective of trying
25 to encourage conservation, having a low basic service

1 fee and a relatively higher volumetric rate would
2 accomplish that?

3 A. Yes.

4 Q. And then do you know off the top of your head
5 how much we currently spend on a -- the energy
6 efficiency programs?

7 A. They just fired up their new budget, and I
8 read it. I -- I -- I would have to check, Commissioner
9 Harvey. I -- there's a number in my head that I want to
10 say.

11 Q. Is it in excess of 20 million?

12 A. Yes.

13 Q. Okay.

14 A. Yes.

15 Q. So currently ratepayers are paying
16 approximately 20 million-plus dollars to encourage
17 conservation --

18 A. Yes.

19 Q. -- through those other programs?

20 A. Yes, sir.

21 (Reporter clarification.)

22 Q. (BY COMMISSIONER CLARKHARVEY) One of the
23 items that occurred during cross was the low pressure
24 surcharge.

25 Do you remember that?

1 A. Yes.

2 Q. Regardless of what you think is a good idea or
3 a bad idea, is that something Enbridge could do?

4 A. So I will -- I will say that it's not
5 something that we could do with -- with short notice.
6 Like, if the -- if the order is a December 27th
7 deadline, and then the rates are going to be effective
8 on January 1st, we would need to know about it well in
9 advance so that the billing department can build that
10 rate into the system, test it, make sure that we're
11 assigning the right customers to it, and it couldn't --
12 well, I don't know if we could even do it if we started
13 today, if I'm being honest.

14 That's -- you know, in my summary, I was
15 talking about how some of the rate design things are --
16 are -- issues are easier to -- to bring up than they are
17 to implement. So we've had the TS customers, you know,
18 that was -- that happened in -- it was brought up in one
19 rate case. We studied it during the offseason, if
20 that's the right word, and then filed it in the next
21 case. And I think that that -- that low pressure
22 surcharge would require that same level of -- of
23 analysis to make sure that it's done right.

24 Q. Thank you for that.

25 This did not come up in cross, but the change

1 to the ten years in weather data -- is that proposal
2 restricted in terms of how -- where the Company would
3 use that shorter period, or would that go across all the
4 different types of forecasting the Company is doing?

5 A. I'm going to definitely pitch that one to Dave
6 Landward.

7 Q. Okay.

8 A. He'll be the witness on that.

9 Q. And then in the testimony but not in the
10 cross, the idea that the previous rate case -- there was
11 a -- in the order it said it would go from a 50 percent
12 discount to a 40 percent discount, I believe, for the --
13 the bypass?

14 A. Yes. You've got it.

15 Q. But then the -- the DPU witness alleged that
16 that had not happened. And I was unclear from reading
17 the testimony -- there was certainly a lot of discussion
18 about why a discount was relevant, but I was unsure from
19 reading the testimony whether that -- if EGU was
20 agreeing that that hadn't happened or whether they said
21 it did happen.

22 A. It did definitely happen.

23 Q. It did?

24 A. And I will testify to that. I -- I did not
25 address that clearly enough in my rebuttal. Ms. Higgins

1 did have some rebuttal testimony that -- that addressed
2 that, but it's on the -- there's a tab in the model.
3 It's called "COS Input," and there's a cell that
4 references how much the discount is, and that's used to
5 calculate the discount as 40 percent as -- as it was
6 filed.

7 Q. I think I understand this from the cross, but
8 I want to clarify. For the nomination penalties, did
9 those go to the customer or to the nominator?

10 A. That's a -- that's a good question, because in
11 the section that Mr. Davidson asked me to read, it
12 actually talks about how we are -- it eventually needs
13 to end up at the customer level for those -- those
14 penalties, but the -- the marketer is the one who, I
15 guess, determines how that is allocated to their
16 customers.

17 Q. So EGU assesses the penalty to the -- the
18 marketer, and that's who they're collecting it from?

19 A. You know, I'm going to have to go with I don't
20 know --

21 Q. Okay.

22 A. -- on that one.

23 Q. All right. And I think my last question, you
24 mentioned in the cross that there was an -- that EGU
25 agreed with the witness Oliver about certain costs.

1 Do you remember that bit of cross?

2 A. The part we agreed with was how much increase
3 should be in each of the blocks in -- in the -- in the
4 rate design process. The -- the original proposal had
5 kind of an unequal weighting into each of those blocks.
6 And so the way that we proposed it and what's included
7 in my surrebuttal model is more of an equal increase to
8 each of those blocks.

9 Q. Okay. And so my question is, as a result of
10 that change, was there any change to the total amount of
11 cost assigned to that class?

12 A. No.

13 Q. Okay.

14 A. No change.

15 Q. That's all the questions I have. Thank you.

16 EXAMINATION

17 BY PRESIDING OFFICER:

18 Q. Just a couple of issues to clarify for my
19 benefit, Mr. Summers.

20 On page 14 of your rebuttal testimony, where
21 it's discussing the potential splitting of the GS class,
22 on lines 273 to 275, you stated that "Mr. Pernichele" --
23 if I pronounced his name right. It's close --
24 "correctly pointed out that there are constraints
25 related to the billing system that would make any change

1 to the GS class in this case impossible."

2 Could you explain -- you -- you adopt that.
3 You believe that you've set that forth. You believe
4 that's true?

5 A. I believe that's true.

6 Q. Why is that?

7 A. Yeah. The -- and this is something in our
8 weekly meetings with the Division. We -- we actually
9 had the billing department come in to -- to explain this
10 because there's people like me -- again, public
11 education maybe is the -- the issue. I don't know.
12 But -- but in my mind, it was -- it would have been
13 something as simple as a, you know, if the customer is
14 this large, then they go to this class of customers.

15 But the -- the billing department personnel
16 explained to -- to all of us that it's -- it's not an
17 if/then statement in the -- in the system -- that you've
18 kind of got to monitor, you got to come up with ways to
19 monitor every month, every billing cycle, who has
20 changed from one class to another.

21 If -- if somebody, you know, one of the
22 proposals was on the basic service fee, and so
23 there's -- you're constantly monitoring to see if
24 somebody changed a -- you know, they increased their
25 meter size because maybe they got a pool that they're

1 heating so that increased their meter size. You'd have
2 to look at that every month and not just -- there's not
3 a lot of people maybe that fall into that, but you still
4 have to check a million customers every -- every month,
5 every billing cycle to make sure there aren't any
6 changes. Those are the kind of limitations that -- that
7 are in the billing system -- that the billing system
8 would have.

9 Now, there's ways to write new code to -- to
10 implement those systems, but it takes a lot of effort
11 to -- to make those changes, and I think
12 Mr. Pernicbele's testimony even pointed out that some of
13 the billing department is -- is working on changing our
14 billing system over to -- to work with Enbridge
15 accounting, and there's a lot of things going on right
16 there. So those are some of the limitations that --
17 that we have right now.

18 Q. Okay. So as I surmise from that, your
19 essential position is it's too complex to do in a
20 short-term to implement it in this case?

21 A. Right.

22 Q. While you don't believe that the GS class
23 should be split, you acknowledge that that is an issue
24 that could be explored in a working group?

25 A. Absolutely.

1 Q. And you stated that in the -- in pages --
2 let's see -- on pages 27 through 28 of your testimony.
3 I just want to explore if -- on a couple of these issues
4 if a working group is a -- is a feasible way to evaluate
5 further some of these issues that have arisen in this
6 case.

7 So you've already indicated that you'd be
8 willing to explore a split in the GS class, that a
9 working group could be put together for that.

10 On line 628 through 630, you say,
11 "Mr. Pernichele and Mr. Daniel both proposed that the
12 Company should explore the TBF class and other large use
13 customers to make sure customers are not being
14 negatively affected by the use of their system."

15 So you indicated then on -- on the same page,
16 line 638 through 69, "For example, the Company would be
17 willing to explore ways to protect customers and give
18 large customers a fair rate" in exploring the TBF class
19 and other large use customers to make sure they're not
20 negatively affected.

21 Is that something you think could be done in a
22 working group?

23 A. Yes.

24 Q. Okay. And you would support that?

25 A. I would.

1 Q. Okay. With respect to the conservation
2 enabling tariff, you've indicated that -- that you
3 believe that's been fully discussed in past cases. You
4 see no need for it to be subject to a working group.

5 If, in fact, the Commission were to consider
6 seriously the Office of Consumer Services' position to
7 discontinue the CET or the DPU's position to continue it
8 but implement additional guardrails, that would be
9 something that could be kicked down the road to be
10 considered in a working group, could it not?

11 A. It could. I -- I think that -- there -- and,
12 actually, I think there was progress made in this case
13 on the conservation enabling tariff. I think that --
14 and Mr. Mendenhall probably addressed this a little bit
15 more, but I think that with the proposal that the
16 Division witness Mr. Daigle put out and the surrebuttal
17 of -- there's a lot of witnesses in this case aren't
18 there -- the OCS Mr. Daniel, I think that we're -- we're
19 in a good place now to -- to go forward with the
20 conservation enabling tariff. But if it's something
21 that the Commission still thinks that there's more
22 information required, then, sure, let's -- let's work on
23 it.

24 Q. Okay. And remind me, did the Company indicate
25 that they were amenable to the guardrails which would

1 justify Mr. Daigle?

2 A. I'm going to -- I'm going to let
3 Mr. Mendenhall address that if that's -- if that's okay.

4 Q. That's fine.

5 A. He's more prepared on that.

6 Q. Perfectly fine. All right.

7 So other than those that I've described, are
8 there any other issues in this case, given their
9 complexity or the divergence of viewpoints of the
10 parties, that you think could be deferred until the next
11 rate case and in the meantime have a working group
12 established to consider?

13 A. The only one -- and it's kind of come up here
14 a little bit today -- is that low pressure surcharge.
15 I -- I don't think I spelled that out in my surrebuttal
16 testimony.

17 Q. It's not in there.

18 A. But in a conversation with the UA -- or
19 sorry -- with the ANGC this morning, with Commissioner
20 Harvey, that might be something that also could be
21 addressed in a working group. And then -- and what
22 we've done in the past, and I think it worked out well,
23 is the parties will meet, talk about all of these
24 issues, and there still may be disagreement in how to do
25 something, but the Company will propose what it wants in

1 the next rate case, but it also will include the
2 positions of the other parties.

3 So when we start the rate case, the Division
4 already has its proposal included in our model. The
5 ANGC, if they wanted -- or Nucor, whoever wants us to
6 include a low pressure surcharge, even if we don't agree
7 with it, we would include that as an option in our
8 modeling, and it seems to have worked out pretty well in
9 the past.

10 Q. Okay. Thank you. So a low pressure surcharge
11 could be subject to a working group?

12 A. Sure.

13 Q. With respect to NGV class, you suggested on
14 page 28 of your testimony that the Company continues to
15 evaluate solutions and doesn't see value in assembling a
16 working group before it has exhausted these efforts.

17 I assume one of those efforts is the RFP to --
18 to sell your stations where NGV class vehicles would be
19 serviced; is that correct?

20 A. Yeah. We're -- we're continuing to look at
21 different options, and -- and the sale -- outright sale
22 was -- turned out to be kind of a complex issue, and so
23 we're exploring other options right now, but we continue
24 to -- to look at those. And -- and we would certainly
25 let the Commission and -- and other regulating parties

1 know when we have an updated plan, and I think that
2 could even be outside of a rate case.

3 Q. Okay. But Mr. Stephenson is the person I
4 would probably want to get into the details of questions
5 on the NGV program?

6 A. Yes.

7 Q. Is that correct?

8 A. I'm sure he's getting jealous of all the time
9 I'm getting to spend up here.

10 PRESIDING OFFICER: Well, then, we don't want
11 to increase his jealousy. So I'm done. And there's
12 nothing else. We'll dismiss you, Mr. Summers.

13 THE WITNESS: Thank you.

14 PRESIDING OFFICER: Thank you very much for
15 your long suffering to work through --

16 THE WITNESS: Happy to.

17 PRESIDING OFFICER: -- our normal break time.

18 Well, I -- I propose that we take a break.
19 It's probably inhumane to not allow a break before now,
20 but what I would like to do, if possible, is have
21 Ms. Mitchell put on Mr. Mendenhall to introduce his
22 testimony, and we'll see how long his summary takes. We
23 might then break right after his summary and come back
24 for cross after -- after lunch. Would that be okay?

25 MS. MITCHELL: That's fine, Chairman, and

1 Ms. Clark will be putting -- introducing Mr. Mendenhall.

2 PRESIDING OFFICER: Oh, okay. That's great.

3 Yeah. I just -- I was just looking to you because
4 you're sitting in that seat. Okay. That would be
5 great. But let's take -- let's take a break until a
6 quarter to, if we can have a short break, and then we'll
7 come back and go for a half hour or so on the clock,
8 what it takes with Mr. Mendenhall, and then break for
9 lunch.

10 (Recess taken from 11:35 to 11:48.)

11 PRESIDING OFFICER: Okay. We'll go back on
12 the record. Thank you.

13 Ms. Clark, you can call your next witness.

14 MS. NELSON CLARK: Thank you so much. The
15 Company calls Kelly B. Mendenhall.

16 PRESIDING OFFICER: Welcome, Mr. Mendenhall.

17 KELLY MENDENHALL

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

20 PRESIDING OFFICER: You may be seated. Thank
21 you.

22 DIRECT EXAMINATION

23 BY MS. NELSON CLARK:

24 Q. Mr. Mendenhall, would you please state your
25 full name and business address for the record.

1 A. My name is Kelly B. Mendenhall, and my
2 business address is 333 South State Street, Salt Lake
3 City, Utah.

4 Q. And what position do you hold with the
5 Company?

6 A. I'm the vice president of regulatory for
7 Enbridge Gas Distribution Services.

8 Q. And, Mr. Mendenhall, are you the same Kelly B.
9 Mendenhall who submitted direct testimony in this matter
10 as well as rebuttal testimony in this matter?

11 A. I am.

12 Q. And was the application and accompanying
13 attachments -- were those all prepared either by you or
14 under your direction?

15 A. They were.

16 Q. Do you have any corrections to any of those
17 documents?

18 A. Yes. In my rebuttal testimony, on page 17 --
19 give me a moment to turn there. Actually, correction,
20 line 17. So in my rebuttal testimony, line 17, I
21 referred to Mr. Fields as Mr. Matthew Fields. His name
22 is Mr. David Fields. So my apologies to Mr. Fields. I
23 think I used his middle name instead of his first name.

24 Q. And with that correction, do you adopt the
25 contents of your prefiled direct and rebuttal testimony

1 as well as the contents of the application and its
2 attachments as your testimony today?

3 A. I do.

4 MS. NELSON CLARK: The Company moves for the
5 admission of the application and accompanying appendix,
6 the direct testimony of Kelly B. Mendenhall labeled EGU
7 Exhibit 1.0 with accompanying Exhibits 1.01 through
8 1.07, the rebuttal testimony of Mr. Mendenhall, which is
9 labeled EGU Exhibit 1.0R, with accompanying exhibits
10 1.08 and 1.09R.

11 PRESIDING OFFICER: Okay. Is there any
12 objection to the admission of those items that have just
13 been read off?

14 Seeing none, we'll admit the application,
15 direct, and rebuttal testimony, the appendix, and the
16 exhibits that you referred to and both the direct and
17 rebuttal into evidence. Thank you.

18 (Kelly Mendenhall's prefiled testimony
19 and exhibits and EGU's Application and
20 Appendix were admitted into evidence.)

21 MS. NELSON CLARK: Thank you.

22 Q. (BY MS. NELSON CLARK) Mr. Mendenhall, would
23 you please summarize your testimony and the Company's
24 positions on the matters you address.

25 A. Certainly. In my testimony, I address one

1 Phase II issue, and that's the issue of the conservation
2 enabling tariff. And specifically I address the
3 question of whether the CET has removed the disincentive
4 for the Company to pursue energy efficiency programs.
5 And on page 21 of my testimony, I provided evidence that
6 over the life of the energy efficiency programs, or the
7 life of the CET, the Company's paid out 1.4 million
8 rebates to customers, which resulted in about
9 284 million dekatherms of lifetime savings.

10 Additionally, I talk about the benefit -- I
11 guess unintended -- but the -- the benefit of revenue
12 stability both for the customer and the Company. The
13 CET has allowed the Company to collect the allowed
14 amount of revenue, and the benefit of this has actually
15 been in the customer's favor. We've returned
16 customers -- to customers \$45 million of over-collected
17 revenue during the life of the CET.

18 So there were three witnesses that addressed
19 the CET in their testimony. The first one is Mr. --
20 Mr. Daigle, and he -- he made three proposals. The
21 first was to require filing when a balance exceeds plus
22 or minus 10 million. In my testimony, I -- I stated
23 that the tariff already allows flexibility for the
24 Company to file multiple times a year if -- if they
25 want, and so we don't believe that this change is

1 necessary. It could also be administratively burdensome
2 if -- if we're required to file multiple filings just
3 because we've hit this threshold.

4 The second proposal was to increase the cap to
5 .5 percent. The current cap is based on a 2.5 percent
6 of -- of -- applied to the under-collection.

7 Mr. Daigle's proposing to increase that cap to 5 percent
8 on both the under-collection and over-collection. And I
9 didn't address this in testimony, but the Company agrees
10 with this proposal. I actually think it's a more fair
11 calculation than what we've had in the past, but I
12 didn't address it. I just want to put on the record
13 that we -- we have no issue with that proposal.

14 And then the third proposal was to any time
15 there was an excess of 5 percent in -- in the account,
16 the CET balancing account, to transfer that to the 191
17 commodity balancing account. And my testimony explained
18 that actually the CET account is also a 191 balancing
19 account, so moving it from the CET 191 account to the
20 commodity 191 account really doesn't -- doesn't provide
21 any benefit. In fact, if anything, it reduces in less
22 transparency because now you're mixing CET revenue with
23 commodity revenues. So we would propose that that
24 recommendation be denied.

25 And then Mr. Daigle also addresses that -- the

1 transportation imbalance charge. While that's not a
2 rate that's -- that's being addressed in this case, this
3 base rate case, I do in testimony point out that, from
4 our standpoint, if you go back to 2014, the -- the
5 charge was really created to help our gas supply group
6 to manage transportation and customer imbalances.

7 Since that time, we've added some additional
8 tools for those -- those -- those gas supply folks that
9 they also now have the ability to issue hold burn to
10 scheduled quantities and put -- put customers on
11 restriction. So because they have more tools in their
12 tool kit, as we talked to them about, you know, do we
13 need to make changes to the TIC, they seemed to be
14 pretty satisfied with the tools they have now. So
15 for -- for that purpose, we don't think -- we don't
16 believe that a working group will be necessary on that
17 issue.

18 The next witness that discussed the CET was
19 Mr. Daniel, and he originally proposed that the -- the
20 CET be discontinued based on his analysis that it didn't
21 seem like energy efficiency programs were providing a
22 benefit to customers anymore. In my rebuttal testimony,
23 I provided some evidence showing that we -- we did a
24 quick analysis of -- of 1,800 customers that received
25 rebates in 2023 and showed that they actually were

1 reducing usage as a result of those -- those measures
2 that were implemented.

3 Additionally, I talked about the -- the idea
4 of -- when we've done this in the -- in the past of --
5 of creating a third -- or having a third-party evaluate
6 or come and -- and do an assessment on all of our rebate
7 programs to see actually how cost effective they are and
8 whether they are actually helping customers to -- to
9 save money and -- and reduce their usage. So I
10 mentioned that -- that we plan to -- to propose that in
11 our budget -- our energy efficiency budget. And in
12 Docket 25-057-22 if you look at that budget, there is a
13 component of that for that third-party assessment.

14 So after -- after reviewing both my testimony,
15 Mr. Daigle's testimony, Mr. Daniel seems to be content
16 with the -- the conversation enabling tariff going
17 forward, so long as Mr. Daigle's recommendations are
18 approved and he looks forward to -- to reviewing the
19 results of the third-party evaluation.

20 Mr. Fields had a very similar testimony to
21 Mr. Daniel that -- that a more comprehensive assessment
22 needed to be created, and so I think I've hopefully
23 addressed that as well in my testimony.

24 So to -- I guess to summarize, the Company's
25 position would be to request the Commission to approve

1 the conservation enabling tariff going forward with
2 the -- the one recommendation from Mr. Daigle that the
3 caps be adjusted, and that concludes my summary.

4 I'm happy to answer any questions you might
5 have.

6 MS. NELSON CLARK: Mr. Mendenhall is now
7 available for cross-examination and also questions from
8 the Commission.

9 PRESIDING OFFICER: Okay. Thank you. We'll
10 get an estimate of cross to the extent people have it to
11 decide how long we're going.

12 Let's turn, first of all, to Ms. Schmid.

13 MS. SCHMID: The Division has no cross for
14 Mr. Mendenhall.

15 PRESIDING OFFICER: Okay. Mr. Snarr?

16 MR. SNARR: The OCS has no cross.

17 PRESIDING OFFICER: Okay. Mr. Russell, do you
18 have an estimate of how long you have on cross?

19 MR. RUSSELL: It will be real brief.
20 Regrettably, I have no cross for Mr. Mendenhall.

21 PRESIDING OFFICER: Oh, well. I --

22 THE WITNESS: I'm on a roll here.

23 PRESIDING OFFICER: I -- I just -- I just
24 assumed there would be cross-examination comparing you
25 to Mr. Harvey. I'm sorry. That was uncalled for I

1 think but -- okay. All right. Wait a second here.

2 I've got to make sure I got everybody.

3 So this is Mr. Cook?

4 MR. COOK: Nucor has no cross.

5 PRESIDING OFFICER: All right. Mr. Davidson,
6 cross?

7 MR. DAVIDSON: No questions for
8 Mr. Mendenhall. Thank you.

9 PRESIDING OFFICER: Oh, boy. Okay.
10 Major Nelson [sic], down to you.

11 MAJOR NEWTON: The FEA also has no questions.

12 PRESIDING OFFICER: I'm -- that's great.
13 Okay. We'll turn then to the Commission. There's no
14 need for redirect, so no cross.

15 COMMISSIONER CLARK: I have no questions.

16 PRESIDING OFFICER: Remember that you're
17 keeping about 75 people hungry, Commissioner Harvey.
18 Okay. All right. Commissioner Harvey, do you have any
19 questions?

20 COMMISSIONER HARVEY: Given the -- given that
21 the parties seem to be in agreement and that it may be a
22 thing that they talk about in the working group, I'll
23 wait until another proceeding for my questions.

24 PRESIDING OFFICER: Okay. All right. So
25 Mr. Mendenhall, I don't have any questions of you, but

1 before I let you sit down, I just want to bring this
2 issue up for all of counsel and for all the parties
3 here. There are a number of items -- you've referred to
4 some -- where it appears that you reached agreement with
5 some or all of the parties. I think it would be -- and
6 there are others that will come up. I think it would be
7 very helpful to the Commission -- and I'm happy to talk
8 to you about the timing on this -- but for you to,
9 Counsel, give us essentially a matrix of issues that are
10 in Phase II that are now agreed upon. That will help us
11 in drafting the order.

12 So just -- the issues that have been raised in
13 the -- in the -- in Phase II of the case -- there are
14 some sub issues, I would call them, or some major
15 issues, even, where there is -- an agreement has been
16 reached either among everybody or among, for example,
17 the Division and the Office who have reached agreement
18 with you on some issues.

19 So I guess the question is -- and there may be
20 others that come up in the course of this hearing. I'd
21 like to get some idea of when you think you could
22 provide us that -- that list.

23 MS. NELSON CLARK: I think after the lunch
24 hour, we can give you an estimate. I would -- I would
25 suggest that the Company take a first crack and

1 circulate it.

2 PRESIDING OFFICER: Okay.

3 MS. NELSON CLARK: But -- but I'd like to --
4 to confer with my clients to see how long that first
5 crack might take.

6 PRESIDING OFFICER: Yeah. I think that's
7 great. We'll -- we'll talk about it after lunch for
8 just a moment to see what your estimate is. And then,
9 obviously for us, the sooner the better it would be
10 to -- to know what issues we are narrowing in this case.
11 And -- and it may be in the course of -- today and
12 tomorrow there may be others that the parties do come to
13 an agreement on.

14 Okay. So I have no other questions,
15 Mr. Mendenhall. We'll -- we'll excuse you. Thank you
16 for being here, and good luck in your new position in
17 Toronto.

18 THE WITNESS: Thank you.

19 PRESIDING OFFICER: All right. It's
20 Mr. Stephenson next. Let's go ahead and do his summary,
21 and -- and we'll see what we get on cross-examination.

22 MS. MITCHELL: Okay.

23 PRESIDING OFFICER: All right. Is that -- is
24 that back to you, Ms. Mitchell? Are you --

25 MS. MITCHELL: Yes, it is. Thank you,

1 Chairman.

2 PRESIDING OFFICER: Okay.

3 MS. MITCHELL: The Company calls Jordan
4 Stephenson.

5 PRESIDING OFFICER: Okay. Welcome,
6 Mr. Stephenson. Would you raise your right arm to the
7 square.

8 JORDAN STEPHENSON

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

11 PRESIDING OFFICER: Thank you. You may be
12 seated.

13 DIRECT EXAMINATION

14 BY MS. MITCHELL:

15 Q. Mr. Stephenson, would you please state your
16 full name and business address for the record.

17 A. Yes. It's Jordan Stephenson at 333 South
18 State, Salt Lake City, Utah.

19 Q. What position do you hold with the Company?

20 A. Manager of regulation.

21 Q. Did you file direct testimony in this matter
22 marked as EGU Exhibit 4.0 with accompanying exhibits
23 4.01 through 4.33 and rebuttal testimony marked as EGU
24 Exhibit 4.0R?

25 A. Yes, I did.

1 Q. Do you adopt the contents of those documents
2 as your testimony on Phase II issues today?

3 A. Yes.

4 MS. MITCHELL: Your Honor, Mr. Stephenson's
5 direct testimony, as it related to Phase I issues, was
6 admitted into evidence at the hearing on October 22nd,
7 2025. For today's purposes, the Company moves for
8 admission of that direct testimony and accompanying
9 exhibits on Phase II issues only and also
10 Mr. Stephenson's rebuttal testimony.

11 PRESIDING OFFICER: And the rebuttal testimony
12 is limited to Phase II issues?

13 MS. MITCHELL: That's correct.

14 PRESIDING OFFICER: Okay. Any objections?

15 Okay. Seeing none, we'll admit
16 Mr. Stephenson's direct testimony and exhibits as it
17 relates to Phase II and his rebuttal testimony.

18 (Jordan Stephenson's prefiled testimony
19 and exhibits were admitted into
20 evidence.)

21 MS. MITCHELL: Thank you, Mr. Chairman.

22 Q. (BY MS. MITCHELL) Mr. Stephenson, will you
23 please summarize your testimony in this matter regarding
24 Phase II.

25 A. Yes, I will.

1 Chair and Commissioners, thank you for the
2 opportunity to address today -- to speak today. My
3 testimony addresses concerns raised by several parties
4 in this docket regarding the natural gas vehicle, or
5 NGV, class cost of service and the associated subsidy
6 proposed by the Company in this case. The NGV subsidy
7 is outlined in my rebuttal testimony, and as filed in
8 our direct application, should remain in place for the
9 2026 test period. This subsidy is just, reasonable, and
10 in the public interest.

11 The NGV stations continue to provide clean,
12 reliable fuel and help to reduce emissions throughout
13 the state. While electrification is advancing, as has
14 been pointed out by parties in this docket, natural gas
15 itself still plays a critical role for certain vehicle
16 classes where electrification is costly or impractical.

17 Utah's legislature recognized this role and
18 codified it in Utah Code Section 54-4-13.4, which
19 directs the Commission to find NGV infrastructure
20 expenditures as just, reasonable -- just and reasonable
21 when specific conditions are met.

22 And I outlined these conditions in my
23 testimony, but just to reiterate, our investments do
24 meet each of those conditions. They were prudently
25 incurred. They have never exceeded the \$5 million

1 annual spending cap specified in that -- in that
2 statute. They are in service, and they continue to meet
3 the revenue objectives, which NGV stations -- with NGV
4 station users currently generating 70 percent of the
5 class revenue requirement.

6 My testimony also clarifies that the costs
7 included in this case are for the construction and
8 maintenance of the Company's Legacy -- I -- I refer to
9 them as our Legacy NGV stations. We are not proposing
10 an expansion to or growth in the NGV class
11 infrastructure or adding new stations, and we haven't
12 included any additional capital expenditures through the
13 forecasted test period through 2026. These station --
14 the last station was added in 2012, and all of our fleet
15 of stations were built under strong policy and
16 regulatory support at a time of growing demand. Past
17 decisions should be judged based on what was known then,
18 not on today's market shifts or volatility and -- and
19 usage.

20 Finally, I did want to mention, regarding the
21 RFP mentioned in the direct testimony of Mr. Summers,
22 the Company did explore that option to sell the stations
23 and ultimately decided against it due to hurdles that we
24 identified at the time that Mr. Summers has mentioned
25 previously. The Company continues to evaluate options

1 in operating the stations, but in the meantime, we
2 remain committed to operating the stations for customers
3 who rely on them and to supporting Utah's energy and
4 transportation goals.

5 In conclusion, the NGV subsidy is consistent
6 with legislative guidance and remains in the public
7 interest and should be approved as originally filed by
8 the Company, and this concludes my summary.

9 MS. MITCHELL: Mr. Stephenson is available for
10 cross-examination and questions from the Commission.
11 Thank you.

12 PRESIDING OFFICER: Okay. Thank you,
13 Ms. Mitchell.

14 Thank you, Mr. Stephenson, for your testimony.

15 Let's see how far we get. I may end up
16 calling a lunch break partway through this, but if it
17 goes like with Mr. Mendenhall, maybe we'll get through
18 this, but not as optimistic on this one.

19 All right. Ms. Schmid, any questions?

20 MS. SCHMID: No questions.

21 PRESIDING OFFICER: That's one down.

22 Mr. Snarr?

23 MR. SNARR: Two down. No questions.

24 PRESIDING OFFICER: Okay. Mr. Russell.

25 MR. RUSSELL: No questions.

1 happen with the existing customers that rely on the
2 stations, and we weren't quite sure how to address some
3 of those hurdles.

4 And then the others were that we have
5 contracted relationships with property owners throughout
6 the state, all over our service territory where these --
7 where these stations are located. Each of those
8 contracts have their own terms associated with them and,
9 you know, what we're obligated to do.

10 As we explored that RFP -- and I can't get
11 into real specific details on those -- just to say that
12 their -- each -- each contract had its own terms, and to
13 put this into a clean, tiny package to be able to
14 release an RFP in a way we thought would -- would be
15 most effective was just challenging to work through.
16 So --

17 Q. Thank you.

18 PRESIDING OFFICER: Okay. Mr. Stephenson, I
19 think I may just ask you a couple questions if I can do
20 it fast, and then we'll see how long Mr. Harvey has.

21 EXAMINATION

22 BY PRESIDING OFFICER:

23 Q. So my understanding from the Division's
24 testimony is there's only about 2,200 natural gas --
25 compressed natural gas vehicles on the road in Utah now.

1 Is that -- do you agree with that?

2 A. So I would -- I would agree that there --
3 there's 2,200 that I'd -- I'd say are registered in the
4 state of Utah. We know that our stations provided fuel
5 to a lot of traffic that comes through the state that
6 may not be captured in the 2,200. So I guess I would
7 just maybe clarify maybe it's not 2,200 on the road in
8 Utah, but specifically registered within the state. So
9 with that clarification, I would agree. I don't have
10 any concerns about the 2,200 --

11 Q. Okay. All right.

12 A. -- number.

13 Q. Thank you. Do you know how many of those
14 vehicles are owned by Enbridge as part of its fleet of
15 vehicles?

16 A. Not off the top of my head.

17 Q. Can you give me just a rough estimate? I
18 mean, is it more than 500? More than a thousand?

19 A. Probably less than 500.

20 Q. Okay. Let's just see if we can range it any
21 more. Less than 250? Do you have any idea?

22 A. I -- I really don't. I would have to check,
23 but I -- I'd be happy to if we're going to have a break.
24 That's something I could track down. That's something I
25 could track down.

1 Q. Yeah. Let us know that.

2 A. Yeah.

3 Q. And then you've indicated that there have been
4 efforts to -- I don't know if you indicated this or if
5 it was Mr. Summers' testimony, but I think you did say
6 that there's certain fleet vehicles you've worked, I
7 assume, with other entities. For example, I think maybe
8 the UTA has some natural gas powered buses; is that
9 correct?

10 A. Yep. That's one example of several.

11 Q. Can you give me other --

12 A. Sure. Yeah. We -- we're kind of the backbone
13 for fuel at the airports. So if you've ever parked and
14 taken a shuttle, you've likely used our services. We --
15 we know UPS, FedEx, Matheson Trucking, just to name a
16 few. South Jordan School District has a pretty large
17 program.

18 Q. With their school buses, I'm assuming?

19 A. School buses, right. Yep. And -- and that
20 goes to the theme of the day for our stations is that
21 we're in a period of transition. I think a lot of the
22 testimony in this case is focused on the transition on
23 the electrification side and that switch over, but we're
24 even seeing a transition in the types of vehicles using
25 our stations.

1 We -- we had originally built this backbone
2 out to serve kind of lightweight vehicles, and it has
3 been iterated in this docket that -- that those vehicles
4 are going away or dwindling. In the meantime, we're
5 seeing kind of a transition over to larger class
6 vehicles and fleet vehicles, and we don't -- we don't
7 see and expect that to follow the same trend as -- as
8 the lightweight vehicles at this point. So --

9 Q. Okay. With respect to the lightweight
10 vehicles, the passenger automobile or truck, car or
11 truck, for example -- you haven't built a station to
12 manage this since 2012. So it's been 13 years. The
13 amount of natural gas usage has declined, by my
14 understanding, by about 75 percent; is that accurate?

15 A. Yes.

16 Q. Okay. If the Commission were to adopt rates
17 that are based upon full cost of service, what would be
18 the result in the cost to -- the equivalent cost for
19 natural gas as compared to gasoline at the pump?

20 A. Yeah. Thank you. I -- it has been noted, I
21 think, in the testimony of Ms. Orton in this case \$3.10.
22 I -- I did refresh that number just recently because we
23 had a few shifts in our -- in our rates at that time,
24 and I come up with 3.20, just over \$3.20.

25 Q. Okay. All right. That's helpful. And you've

1 indicated that you're still -- that -- it was stated in
2 Mr. Summers' testimony, I believe, you didn't see a need
3 to have a working group because you were still exploring
4 other options, at least until those options are
5 exhausted.

6 Can you tell us what other options you are
7 exploring? Is there any of that that's not sensitive
8 commercial information that you can share?

9 A. Some of the specifics -- there are specifics
10 that would be privileged at this point, and we hope to
11 see movement on -- on some of those, but generally at a
12 high level, you know, I've been involved with these
13 discussions for years on the stations, and right now I
14 think everything's on the table. We don't have anything
15 concrete to share at this point in time, but, you know,
16 we obviously have reviewed an IRP to sell -- package up
17 and sell the stations. We've looked at partnering with
18 large commercial fleets. We've even had a
19 transportation service through the stations for a little
20 bit of time that was kind of unique in an effort to
21 bolster demand at the stations.

22 So we're also exploring -- you know, the
23 renewable fuel standard offers credits for renewable
24 natural gas, which 100 percent of the fuel coming
25 through our stations is now coming from renewable

1 resources, renewable natural gas, and we're looking at
2 ways -- there's programs that help monetize through
3 there that we're evaluating. So all -- all options are
4 on the table. Some we're a little farther along than
5 others but nothing necessarily concrete that I could
6 share today.

7 Q. Okay. Well, even that is helpful. I
8 appreciate that.

9 So would you just give me your best estimate
10 of how many of those 2,000 vehicles that are
11 Utah-based -- take your word that there's some who
12 transit through Utah and use your stations -- how many
13 of those -- give me an estimate -- are not fleet
14 vehicles, used by the airport, UTA, by the school
15 districts, or by Enbridge itself? How many vehicles do
16 you think are currently on the road -- if there hasn't
17 been new OEM natural gas systems for -- for private
18 customer trucks or passenger cars, how many vehicles
19 would you say are on the road that are owned by, you
20 know, Joe down at the end of the street type of thing,
21 private citizens?

22 A. Residential vehicles?

23 Q. Yes, residential vehicles.

24 A. So just contextually, I -- I know that Honda
25 was the last manufacturer to take their vehicle off the

1 line as -- as a direct, and that was 2014, I want to
2 say. So it's been 11 years. I would be -- I would be
3 guessing, but I'm assuming, the percentage of
4 residential vehicles on the road driving today of the
5 2,200 is probably less than -- I don't know --
6 30 percent. But that's -- that's -- I'm not supposed to
7 guess on the stand, but if you're asking my -- my
8 opinion, and I don't have any -- any analysis or numbers
9 to -- to back that up, just based on the age of vehicles
10 that would have been an option, I'm -- I'm guessing it's
11 definitely a minority.

12 Q. Yeah. There's -- there is a point where
13 functional obsolescence, people want a new vehicle.
14 That's a factor in driving consumer behavior. So your
15 best estimate -- I understand that's all it is -- is
16 under 30 percent are -- are owned by residential users?

17 Okay. Great. Thank you. That was a shake of
18 your head yes?

19 A. Yes.

20 Q. Audibly for the transcript.

21 PRESIDING OFFICER: All right. I guess we'll
22 see -- Mr. Harvey, how many -- how many minutes do you
23 think you'll need for cross -- or not cross --
24 questions, although sometimes it could be construed as
25 cross. All right. How many minutes do you think you

1 need? You good? Are you under ten minutes, or do you
2 think you're more than that?

3 COMMISSIONER HARVEY: Probably under ten.

4 PRESIDING OFFICER: All right. Let's -- we're
5 going -- let's -- we're going to try to finish you,
6 Mr. Stephenson. We'll apologize for everybody. We're
7 taking a late lunch, but let's let Mr. Harvey finish.

8 Mr. Harvey.

9 EXAMINATION

10 BY COMMISSIONER HARVEY:

11 Q. Good afternoon, but I will try to be quick.

12 Do you have any idea how much rate base is
13 left that hasn't been depreciated for these assets?

14 A. I believe Mr. Summers has an exhibit that
15 shows the cost of service summary by class, and I want
16 to say we're around \$18 million of gross investment.
17 The net depreciated amount -- let me see if I can find
18 that reference real quick, and I can tell you. Let me
19 get out the big binder. Let's see.

20 MS. NELSON CLARK: For convenience, I'd offer
21 that 5.07 may be the exhibit you're looking for.

22 A. 5.07. I was close. I was at 5.10. So
23 looking at Exhibit 5.07, if -- if you'll turn there,
24 you'll see the rate base shows up midway down on that
25 exhibit. The gross investment's 19.8 million, and the

1 net -- net plant is 19.2.

2 Now, I will -- I will say this gets into a
3 little bit of the nuance of our modeling. We do an
4 allocation of depreciation expense rather than have a
5 direct assignment by class. So I think the way it works
6 is each class receives an allocation of accumulated
7 depreciation based on that class's share of gross plant
8 and service. So I think that's the allocated amount.

9 The -- the actual depreciation, I think, is
10 higher than what we're seeing here.

11 Q. (BY COMMISSIONER HARVEY) I -- I would hope.
12 That's not much depreciation in 15 years. All right.

13 So when we're talking about the subsidy to
14 this class, I'm assuming -- and tell me if I'm right
15 here -- we've got whatever is assigned for depreciation
16 costs, whatever operations and maintenance expenses are
17 incurred, whatever the commodity cost is minus whatever
18 revenue was generated. Is -- is that the basic
19 accounting for this class?

20 A. Sorry. Will you repeat one more time. I was
21 catching up with you. So the way the subsidy is
22 calculated.

23 Q. Well, just -- just what it's covering. So
24 there -- there's some amount of depreciation?

25 A. Oh, yeah, yeah.

1 Q. Hopefully more than that chart is implying?

2 A. Right.

3 Q. And then you've got operation and maintenance
4 costs to actually run the stations, take care of them?

5 A. Yep.

6 Q. Making repairs. And then you got the
7 commodity cost?

8 A. Yes.

9 Q. You're not getting the gas for free?

10 A. Right.

11 Q. If you are, that's great.

12 A. And in this case, what -- I didn't mean to
13 interrupt you.

14 Q. No. And -- and then minus that, the revenue?

15 A. Right. So in this case, the subsidy is -- is
16 calculated to cover the distribution non-gas portion of
17 costs. So what it includes is all the operating and
18 maintenance expense associated with the class, the --
19 the rate base piece, net of depreciation, missing other
20 expenses, such as depreciation expense, which is also
21 allocated, so that's lower, O&M, other taxes, things
22 like that.

23 So all of those distribution non-gas costs are
24 tallied up, and then the subsidy covers the difference
25 between what it will take to recover all of those versus

1 what we think the class will generate on its own.

2 Q. So when you say that the revenue is covering
3 70 percent -- I believe that's the number you said
4 earlier?

5 A. Correct.

6 Q. That's 70 percent of that total amount?

7 A. Yes.

8 Q. Okay. Just trying to see if I can drop some
9 of these.

10 So there are a number of private -- not
11 private -- nonutility owned both compressed natural gas
12 and renewable natural gas stations in the state;
13 correct?

14 A. Correct.

15 Q. How does the price that Enbridge charges its
16 customers compare to those establishments' price?

17 A. So there's private stations that are publicly
18 available. There are maybe one or two of those, subject
19 to check. And in meetings that I've been involved with
20 with those folks, they generally tend to match up with
21 what we're charging at our stations. So -- setting
22 commodity aside. So often times they're transportation
23 service customers. So they're out finding their own
24 source of gas, but setting the commodity portion aside,
25 I think they target kind of the price at the pump

1 similar to the utility price.

2 Q. Okay. So the subsidy that the rest of the
3 customer base is supplying to this class -- is it
4 Enbridge's position, then, that that should be
5 increasing compared to the last rate case, or
6 decreasing, or remaining constant?

7 A. So the subsidy -- actually, we have not had a
8 subsidy in place since the 2013 general rate case. We
9 actually removed it at that time because volumes grew to
10 the point where it was self-sustaining, and we have not
11 introduced a subsidy in 2016 or 2019 or 2022. Those are
12 three cases we filed in between then and now.

13 I don't know what the level of the subsidy had
14 been prior to the discontinued -- the discontinuation in
15 2013. So I wouldn't be able to compare necessarily this
16 that we're proposing here with -- with where it was in
17 the past without checking on that.

18 Q. That -- and that's fine. But the class wasn't
19 covering all of its costs in the past, was it?

20 A. No. Not prior to that 2013 general rate case.

21 Q. No, I'm saying for the last three cases you
22 mentioned.

23 A. Oh, you're right. You're right. It has
24 not -- has not kept up with its full -- with its full
25 costs.

1 Q. And whether we name it a subsidy or name it a
2 shortfall or whatever, is -- is this proposal to make
3 that, whatever it is, bigger? Is that what the
4 Company's proposing?

5 A. So I -- I think -- I -- I see what you're
6 saying. I would say the revenue requirement of the
7 class isn't growing over time. I don't see that as the
8 trend. The revenue we're collecting from existing
9 customers is decreasing. So that -- that's where the
10 size of that subsidy is going to fluctuate.

11 To the extent that the trend we've seen over
12 the last decade were to continue, I would anticipate
13 the -- the size of that subsidy would continue to follow
14 that trend until these are depreciated off, like you
15 mentioned. There is depreciation to consider with
16 these. So --

17 Q. And then last one, what is -- accounting for
18 both commodity and DNG, what is Enbridge's current
19 gasoline gallon equivalent price that they're charging?

20 A. I think we're right around \$2.40 and some
21 change, probably 2.43 or 4. I don't know exactly, but
22 right around the \$2.40 mark.

23 Q. Okay. Thank you.

24 EXAMINATION

25 ///

1 BY PRESIDING OFFICER:

2 Q. One final question, Mr. Stephenson. How long
3 do you think that the NGV class should continue?

4 A. Well, I -- my -- my opinion on that is that it
5 continues to serve the public interest. I know that the
6 vehicles we see on the road now are not as high in
7 quantity as we've seen in the past, but I think it's
8 shifted to where it's larger class vehicles driving
9 around on the road. And I think, to answer your
10 question, as long as there are customers who -- who need
11 the service and are supporting -- going back to the
12 statute that I talked about, there are safeguards around
13 this class in that 50 percent revenue threshold. I
14 think that's a good check.

15 I would say if we -- if we were to fall below
16 50 percent, it would probably be worth revisiting how
17 much -- you know, how much of that subsidy is -- is
18 justifiable at that point, but I think, you know, as
19 long as we do have customers using the stations and
20 generating enough revenues to stay within those -- those
21 boundaries set forth in that statute. I'm not sure how
22 long that may be. I'm hoping that we're -- we're going
23 to find a floor and the declining trend won't continue,
24 but -- but I -- I would just say as long -- as long as
25 we're meeting those -- you know, those metrics or

1 those -- those guidelines in the statute.

2 Q. You're not prepared to agree to what the
3 Division proposed that -- that it should be phased out
4 by the next rate case or at least that the subsidy
5 should be phased out by the next rate case and that they
6 should -- NGV class should be based on full cost of
7 service?

8 A. I'm not ready to agree -- I -- and I do
9 appreciate the -- I guess the clarification between the
10 NGV class as a whole and the subsidy itself.

11 Q. They are two different things.

12 A. I think it would just depend on the volumes
13 we're seeing and the support we're seeing from the users
14 at the station. So as I sit here today, it's hard for
15 me to put a time line on it.

16 Q. Do you think it requires a statutory change
17 for the Commission to end the NGV class?

18 A. To end the class as a whole, meaning
19 discontinue service at the stations altogether?

20 Q. Yeah.

21 A. I -- I don't know that our service at the
22 stations relies on the statute as much as the -- the
23 subsidy itself relies on the statute.

24 Q. Well, let's ask it a different way. Do you
25 think it requires a statutory change to eliminate the

1 subsidy?

2 A. I think you could eliminate it through a
3 statutory change. I don't know that it's required.

4 Q. Okay.

5 A. I think that -- like I mentioned, there are
6 safeguards around the subsidy. There's the four
7 points -- four checks in place.

8 Q. Right.

9 A. I think if we -- if we were to fail to meet
10 those thresholds at a certain point, then the statute
11 already includes kind of an off-ramp off subsidy.

12 PRESIDING OFFICER: Okay. All right.
13 That's -- that's all. We'll excuse you. Thank you,
14 Mr. Stephenson.

15 All right. We'll break for lunch. Should we
16 say be back here by a quarter to 2:00? Does that give
17 you enough time to get whatever you need? An hour and
18 15 minutes essentially. Does that work?

19 Seeing no objection, we'll be in recess.

20 (Recess taken from 12:33 to 1:47.)

21 PRESIDING OFFICER: Okay. Let's go back on
22 the record. I think our next witness will be
23 Mr. Landward. Who's -- who's conducting? Ms. Clark.

24 MS. NELSON CLARK: I got it.

25 PRESIDING OFFICER: Ms. Clark.

1 MS. NELSON CLARK: Thank you so much. The
2 Company calls Dave Landward -- David Landward.

3 PRESIDING OFFICER: Mr. Landward, welcome.
4 Raise your right arm to the square.

5 DAVID LANDWARD
6 was called as a witness, and having been first duly
7 sworn to tell the truth, testified as follows:

8 PRESIDING OFFICER: Thank you. You may be
9 seated.

10 DIRECT EXAMINATION

11 BY MS. NELSON CLARK:

12 Q. Mr. Landward, would you please state your name
13 and business address for the record.

14 A. Yes. My name is David Christian Landward. My
15 business address is 333 South State Street in Salt Lake
16 City, Utah.

17 Q. What position do you hold with the Company?

18 A. I'm a regulatory consultant with the Company.

19 Q. Mr. Landward, are you the same David Landward
20 who submitted prefiled testimony in this matter,
21 prefiled direct testimony labeled Exhibit 6.0 with
22 accompanying Exhibit 6.01 through 6.03 as well as
23 rebuttal testimony labeled EGU Exhibit 6.0R and EGU
24 Exhibit 6.0R -- 6.0SR?

25 A. Yes, I am.

1 Q. And did you also submit with your rebuttal
2 testimony Exhibit 6.04R?

3 A. Yes, I did.

4 Q. And do you adopt the contents -- well, let me
5 ask you this. Do you have any changes to any of those
6 documents?

7 A. I do have one minor correction. In my
8 surrebuttal testimony -- that would be Exhibit 6.0R,
9 page 6 on line 120, the last phrase in that line reads
10 "the last 14 years have established." I believe that
11 should read "the last 11 years have established."

12 Q. And with -- and with that correction,
13 Mr. Landward, do you adopt the contents of all these
14 documents as your testimony today?

15 A. Yes. I do.

16 MS. NELSON CLARK: The Company moves for the
17 exhibit -- the admission of EGU Exhibit 6.0 with
18 accompanying Exhibits 6.01 through 6.03, EGU
19 Exhibit 6.0R as corrected with accompanying Exhibit EGU
20 6.04R and EGU Exhibit 6.0SR.

21 PRESIDING OFFICER: Okay. Thank you. Is
22 there any objection to the admission of the testimony
23 and exhibits?

24 Okay. We'll admit Mr. Landward's direct,
25 rebuttal, and surrebuttal with the accompanying exhibits

1 into evidence.

2 (David Landward's prefiled testimony and
3 exhibits were admitted into evidence.)

4 MS. NELSON CLARK: Thank you.

5 Q. (BY MS. NELSON CLARK) Mr. Landward, can you
6 please summarize the testimony you've offered in this
7 matter.

8 A. Certainly. Mr. Chairman, commissioners, thank
9 you for the opportunity to testify before you today. My
10 testimony addresses the Company's proposed adjustment to
11 normal heating degree day used for its weather
12 normalization. The goal of normalization of any kind is
13 balance, finding a middle ground through the
14 unpredictable spikes and dips that create noise in data.

15 The best barometer the Company has to assess
16 balance in weather normalization is the history of the
17 aggregate monthly results. As I note in my direct
18 testimony, it has become clear in those results that
19 normalization has fallen out of balance and has been
20 favoring the positive side for some time, meaning usage
21 is being adjusted upward to meet a normal heating
22 degree days' target much more often than it's being
23 adjusted downward. The Company has also observed a
24 concerning recurrence of large variances between actual
25 and currently established normal heating degree days.

1 The reason is simple. The normalization is
2 chewing up to a baseline that is sitting above the level
3 where average heating degree days have been residing
4 since the last baseline was set in the 2019 general rate
5 case. A new reset is needed to realign and rebalance to
6 find that middle ground again.

7 Bear in mind that weather normalization always
8 targets history. It's always backward looking.
9 Lowering the normal baseline by updating the history it
10 references does not assume that colder periods in the
11 future will not occur. If the current trend reverses
12 course and colder periods become more common, a course
13 correction will be made through a subsequent baseline
14 reset. Normal heating degree days are never permanent.
15 Such adjustments are part of the weather normalization
16 operation among all utilities that use it.

17 Delaying an adjustment to allow further study
18 on this issue will not offer additional clarity to the
19 problem or its remedy. It will only unnecessarily
20 postpone its resolution. When a vehicle's wheels are
21 out of alignment, causing the steering to favor one
22 direction, the driver doesn't postpone realignment
23 hoping future roads will curve in the direction of the
24 drift. The effect is real and tangible and -- and the
25 solution is known.

1 The effect of a misaligned normalization
2 baseline is also real and tangible. Suspending action
3 to undertake further empirical analyses needlessly
4 delays the realignment for three more years. Unless
5 heating degree days reverse course, the large and
6 consistent upward adjustments may only persist.

7 I've documented the problem, and I've proposed
8 the remedy. The Commission should view this as prudent,
9 ongoing maintenance of the Company's long-running and
10 well-established weather normalization mechanism which
11 will afford greater alignment and billing normalization
12 adjustments, and it will put weather normalized
13 forecasts closer to where the normal usage midpoint
14 currently lives.

15 Regarding the Division's concerns about
16 resource constraints connected to the Company's customer
17 level weather normalization billing adjustment, I simply
18 remind the Commission that this method has been in place
19 for decades, implemented and maintained by competent and
20 experienced professionals. The Company is happy to
21 arrange interviews of some of those experts by Division
22 personnel who would like to better understand software
23 and hardware configurations, testing, and other measures
24 in place to assure efficient -- ensure efficient
25 execution and preservation of data accuracy and

1 integrity.

2 This concludes my summary. Thank you.

3 PRESIDING OFFICER: Thank you very much. I
4 appreciate that, Mr. Landward.

5 MS. NELSON CLARK: Mr. Landward is available
6 for cross-examination and any questions from the
7 Commission.

8 PRESIDING OFFICER: Thank you, Ms. Clark.
9 Ms. Schmid?

10 MS. SCHMID: No questions.

11 PRESIDING OFFICER: Mr. Snarr?

12 MR. SNARR: No questions.

13 PRESIDING OFFICER: Okay. Mr. Russell?

14 MR. RUSSELL: No questions. Thank you.

15 PRESIDING OFFICER: Okay. Mr. Cook? Got to
16 have that memorized by now. I apologize.

17 MR. COOK: No questions.

18 PRESIDING OFFICER: All right. Let's see.
19 We'll go to Mr. Davidson.

20 MR. DAVIDSON: No questions, Mr. Chairman.

21 PRESIDING OFFICER: Okay. And Major Nelson
22 [sic]?

23 MAJOR NEWTON: It's Newton, but no questions.

24 PRESIDING OFFICER: Newton. I knew that. I
25 wrote it down wrong here. I apologize.

1 MAJOR NEWTON: I've been called worse,
2 Commissioner.

3 PRESIDING OFFICER: I can't read my own
4 handwriting, or I wrote it down wrong.

5 All right. Well, I'm starting to get more
6 optimistic we're going to get through here today. I
7 just want to say one thing. I appreciate the call for
8 analogies that you and Mr. Summers both used. We have
9 the process versus full, bird versus your automobile
10 analogy. That was very helpful.

11 Okay. We'll turn to Commissioner Clark.

12 EXAMINATION

13 BY COMMISSIONER CLARK:

14 Q. I just have a question or two.

15 A. Yes, sir.

16 Q. In the Company's long history of tracking
17 and -- and normalizing, has the Commission approved
18 adjustments like this in the past in either direction?

19 A. Yes, sir. The last adjustment was approved in
20 the 2019 rate case. I -- I site that docket number in
21 my direct testimony. I don't recall it off the top of
22 my head. There have been adjustments prior to the
23 normal heating degree baseline predating that as well.
24 I don't know -- I don't think the spacing has been
25 regular. I think it's evaluated ongoing when it appears

1 that adjustment is needed as proposed by the Company.

2 Q. That's my only question. Thanks.

3 A. Yes, sir.

4 PRESIDING OFFICER: Okay. Commissioner
5 Harvey.

6 EXAMINATION

7 BY COMMISSIONER HARVEY:

8 Q. To start a follow-up on Commissioner Clark's
9 question, when you say adjustments before, is that just
10 based on running the calculation, or is that changing
11 the number of years?

12 A. The first time the Company has altered the
13 length of -- of the -- of the window used to derive
14 normal heating degree days was the last adjustment,
15 which occurred in the 2019 docket. That shortened the
16 length from 30 years, which the Company had been using,
17 to 20 years. Prior to that, the Company had
18 consistently used a 30-year length.

19 (Reporter clarification.)

20 Q. (BY COMMISSIONER HARVEY) And then just one
21 clarification question. You had mentioned in responding
22 to the other parties in testimony that EGU uses an
23 individual customer level adjustment. And just -- this
24 is based on my recollection to see if I understand it
25 right, but when you say individual customer, I think

1 that means it's -- it's done for each account, but it's
2 based on a large number of monitoring stations around
3 the territory that are recording the temperature at
4 specific locations and elevations?

5 A. Yes, sir. That's correct. We -- we employ in
6 our Utah service territory eight weather zones, the
7 largest being Salt Lake City weather zone, which takes
8 its data from the National Weather Service station
9 located at the Salt Lake City International Airport.
10 Each customer, based on the geographic location, is
11 assigned to one of those eight weather zones, and then
12 the heating degree days and the actual heating
13 degree days used to make that normalization adjustment
14 for that customer are taken from that specific zone.

15 Q. So there's eight adjustments that are applied,
16 and one of those eight is applied to each individual
17 customer?

18 A. Yes, sir.

19 Q. Okay. And then my understanding is if a
20 customer wants to, they can opt out of weather
21 normalization?

22 A. Yep.

23 Q. If they let the Company know?

24 A. Yes, sir. That's correct.

25 Q. Okay. That's all the questions I have.

1 Thanks.

2 A. Thank you, sir.

3 EXAMINATION

4 BY PRESIDING OFFICER:

5 Q. Mr. Landward, the Office didn't ask any
6 questions on this, but it's my understanding that --
7 that -- was it -- I can't now remember whether it was
8 the Office or Division proposed using a 15-year versus a
9 10-year baseline. Why do you think that the 15-year
10 baseline is not an appropriate compromise between the
11 current 20 and the 10 you're proposing?

12 A. The 15-year window continues to absorb higher
13 levels of heating degree days that I would call
14 residual, that were more frequent in the past but have
15 not been frequent in -- in the last, 11, 10 years. So
16 when we're trying to establish an average, which is what
17 normal heating degree days essentially are, we want to
18 make sure that average best represents the -- the
19 population -- well, the members of the sample. And the
20 heating -- heating degree days window that we select to
21 derive that average is essentially a sample of
22 continuous data points.

23 But if you can imagine not treating them as a
24 continuous time line of data points but arranging them
25 in sort of a -- a bell curve, ideally, you would like to

1 see them distributed fairly equitably across the middle
2 where the average sits right in the middle, and then
3 they're distributed fairly evenly from side to side.
4 That's the ideal. Data in the real world is never
5 beautifully perfect like that, but that's -- that's what
6 we're hoping for.

7 The problem with a 15-year length or longer is
8 that it leaves some -- let's call them stragglers out on
9 the tail of the high side. And that -- that pulls the
10 average over in their direction, and the result is that
11 average continues to kind of hover on top of where the
12 majority of the other members are. And the result of
13 that as -- as we've been observing, is that more often
14 than not, weather normalization is reaching upward, it's
15 adjusting usage upward, insisting that even though the
16 last 11 years heating degree days have been down here,
17 customers have acclimated their usage to that level.

18 We still want to represent those in the
19 outerlying years, and so we want to keep moving up, up,
20 as if they -- as if those outer years with higher levels
21 of heating degrees are still at play when they haven't
22 really been. Twenty years certainly does that to a
23 larger extent. Fifteen years is a marginal improvement
24 because those higher heating degree days have less of an
25 influence, but they're still there.

1 In -- in the exhibit that I offered in my
2 rebuttal testimony, I -- I gave a visualization of that
3 and showed how even the 15-year line still keeps that --
4 that average a little closer to the top than I would
5 like to see it. It is an improvement because we -- we
6 see that it's approaching the middle where we get some
7 points that are above the normal line and some that are
8 below. I think it was about four points above and six
9 points below.

10 The 10-year normal doesn't let those -- those
11 outerlying higher levels that aren't really playing
12 anymore influence. So it -- it sits in the middle
13 better and represents the majority of the members of
14 that sample of the last 11 years better. It's --
15 then -- then you have -- I believe in that graph, you
16 got -- and these are annual heating degree days total as
17 you've got six that are above the normal, meaning colder
18 than normal, and about four that are sitting below.

19 So that's what I'm trying to target in weather
20 normalization. Now, I wanted -- I want it to be in the
21 middle. It's never going to be perfect, but if I have
22 to err on the side of a little bias one side or the
23 other, I would prefer to see more downward adjustments
24 to usage than upwards because I think that's what
25 customers would prefer to see. They would rather see

1 their bills going down for an adjustment than going up.

2 So that's -- that's why I'm favoring ten
3 because I -- I -- I don't want those outer years that
4 just don't seem to be typical of what we're seeing
5 these days, what customers are used to adjusting their
6 thermostat to. I don't want them to have undue
7 influence.

8 Q. (BY PRESIDING OFFICER) So is one of the
9 factors, then, upon which you base this 10-year baseline
10 the existence of climate change that the earth, the
11 United States, that Utah is becoming warmer overtime?

12 A. Well, I'm -- I'm only -- I'm only observing
13 what's been happening. I'm -- I'm not trying to imply
14 or infer anything about the climate per se in shortening
15 this window. I'm just trying to be responsive to a
16 changing -- a changing target that's throwing my -- my
17 normalization off. So it's more of a pragmatic matter.

18 I -- I don't know what will happen in the
19 future if we -- if we -- if we're -- if we've entered a
20 period that's going to be a permanent shift downward,
21 that we're always going to have warmer heating seasons
22 than what we're used to 20, 30 years ago, if that may
23 reverse course, and it may be a mix.

24 But weather normalization is -- the practice
25 of it is like driving with the rearview mirror. I'm

1 always looking backwards, what's been happening, what
2 does the road look like that I just passed, and if you
3 can imagine we were at a higher level, and then we came
4 down a hill, and then we've been on a flat road that
5 seems to still be -- have a downward gradient, and that
6 hill is getting further and further in the rearview
7 mirror, so it's clear to me that the road now that I'm
8 on has -- has changed from what it was miles back.

9 And so I -- and if you think of weather
10 normalization in that context, I need to adjust to the
11 road that I'm on now and assume that since that's where
12 I'm at today, that's -- that's my best gauge for weather
13 normalization. I always know what the past is with
14 100 percent certainty. I don't know what the future is,
15 but a long persistent set of heating degree days at a
16 certain level is -- tells me that that's what customers
17 are seeing, and that's what I should be normalizing to.
18 That's what normal for them.

19 Ten years may not be a good normal for a
20 meteorologist or a climatologist who wants a broader
21 view. It may not be good for someone looking for a
22 broader range for even some natural gas applications,
23 like gas procurement where -- where they want to see
24 what is possible even on the extremes. What's the worst
25 that can happen?

1 I -- I want to see what's typical for the
2 customers. That's what I'm calling normal in the
3 context, and that's -- that's what I want to hit.
4 What's happening with the climate -- what's driving it,
5 I -- I don't know. I'm not making any judgments on
6 that. I'll leave that to the scientists. I'm -- I'm in
7 a reactionary state as -- as a weather normalization
8 analyst.

9 Q. Okay. That's very helpful. I appreciate that
10 further explanation.

11 One last question. You -- you -- you said you
12 would be willing to arrange experts to sit down with the
13 Division if they were interested in that. Is that an
14 offer that you've already made in the past, or has that
15 not been made previously?

16 (Reporter clarification.)

17 A. I did extend that offer in my -- in my
18 rebuttal testimony. I -- I -- I appreciate the
19 Division's interest in wanting to understand all of this
20 better. That's helpful to us as a Company anytime we
21 can engage with the Division on what they're doing, and
22 they can -- they can get deeper insights and understand
23 the mechanics under the hood. So, yes, that -- that --
24 we'd be happy to have them sit down with billing system
25 specialists and -- and information technology

1 specialists that can answer those questions, talk about
2 the tests they do, the upgrades they make to facilitate
3 this customer level weather normalization and make sure
4 it's working correctly every time for every customer.

5 PRESIDING OFFICER: Okay. Thank you for that
6 additional clarification. I think that's it,
7 Mr. Landward.

8 THE WITNESS: Okay.

9 PRESIDING OFFICER: Thank you. You may be
10 excused.

11 THE WITNESS: Thank you, sir.

12 (Discussion held offed record.)

13 PRESIDING OFFICER: Okay. We'll go back on
14 the record. Thank you, Mr. Landward.

15 The last witness for EGU is Jordan Parks.
16 Okay. And that's Ms. Barrett.

17 MS. BARRETT: Yes. The Company calls Jordan
18 Parks.

19 PRESIDING OFFICER: Okay. Mr. Parks, will you
20 raise your right arm to the square.

21 JORDAN PARKS

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

24 PRESIDING OFFICER: Thank you. You may be
25 seated.

1 Ms. Barrett.

2 MS. BARRETT: Thank you.

3 DIRECT EXAMINATION

4 BY MS. BARRETT:

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

7 A. Jordan Parks, 333 South State Street, Salt
8 Lake City.

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

11 A. Regulatory analyst.

12 Q. Did you file direct testimony in this matter
13 marked as EGU 7.0 with accompanying Exhibits 7.01
14 through 7.04, rebuttal testimony marked as EGU 7.0R with
15 Exhibits 7.05R through 7.07R, and surrebuttal testimony
16 marked as 7.0SR with Exhibits 7.08SR through 7.10SR?

17 A. Yes. I did.

18 Q. And do you adopt the contents of those
19 documents as your testimony today?

20 A. Yes.

21 MS. BARRETT: The Company moves for the
22 admission of Mr. Park's direct, rebuttal, and
23 surrebuttal testimony with the along with the
24 accompanying exhibits.

25 PRESIDING OFFICER: Okay. Is there any

1 objection?

2 Okay. Without objection, we'll receive the
3 direct, rebuttal, and surrebuttal testimony of Mr. Parks
4 with accompanying exhibits into evidence.

5 (Jordan Parks's prefiled testimony and
6 exhibits were admitted into evidence.)

7 Q. (BY MS. BARRETT) Mr. Parks, can you please
8 summarize your testimony in this matter.

9 A. Sure. Good afternoon, Mr. Chair and
10 commissioners. Thank you for the opportunity to speak
11 today. The purpose of my testimony and exhibits were to
12 clean up and propose modifications to the Company's
13 tariff. My summary consists of the six applicable
14 changes being proposed in this docket.

15 Number one is in section of 5.01 of the
16 tariff. The Company is proposing to add a section to
17 address transportation customers who failed to nominate
18 gas supply for 15 or more days in a month. After a
19 grace period, customers who continue to fail to make
20 nominations will be moved to a sales rate schedule which
21 will allow the Company to plan for the customer's needed
22 supply. No parties objected to this change.

23 Number two is in Section 5.04 through 5.06 of
24 the tariff. The Company proposes adding maximum usage
25 thresholds to the TSS and TSM rate schedules. The

1 tariff currently only addresses customer usage falling
2 below the minimum usage level. This change prevents
3 customers with usage far outside the intended range from
4 continuing to receive service on an inappropriate rate
5 schedule. No parties objected to this change.

6 Number three is in Section 8.03 of the tariff.
7 The Company is proposing to modify language to clarify
8 the eligibility and administration of the energy
9 assistance program. OCS witness James Daniel raised
10 concerns in his direct testimony regarding the clarity
11 of the language related to energy assistance eligibility
12 and the heat assistance program. The Company worked
13 collaboratively with the OCS, and I proposed revised
14 language in my surrebuttal testimony to better reflect
15 program intent and address those concerns. No other
16 parties objected it this change.

17 Number four is in Section 8.09 of the tariff.
18 The Company is proposing to remove the two way carrying
19 charge for interest expense on the GreenTherm Balancing
20 Account. This change ensures that customer
21 contributions to the GreenTherm program go directly
22 towards the purchase of RNG green attributes and not for
23 covering interest expense. No parties objected to this
24 change.

25 Number five is in Section 9.02 of the tariff.

1 EGU has encountered a number of large scale projects
2 that require significant up-front engineering costs.
3 Sometimes after the Company has incurred these costs,
4 the customer opts not to proceed with the project. In
5 order to place the burden of these costs on the
6 requesting customer, the Company proposes to require
7 up-front payment for the preliminary engineering work on
8 projects over \$50 million or that require contracting
9 engineering support.

10 In direct testimony, DPU witness Eric Orton
11 recommended changing the language in the tariff -- in
12 the tariff to clearly define the type of projects that
13 will require the up-front payment. He recommends
14 changing the language from, open quote, "particularly
15 complex," close quote, to, open quote, "requires
16 contracted engineering support," close quote, which more
17 accurately represents the type of projects the Company
18 would require an up-front payment for preliminary
19 engineering work. I agreed to this change in my
20 rebuttal testimony.

21 In direct testimony, OCS witness Daniel
22 recommended changing the language in the tariff from,
23 open quote, "the Company may require the customer to
24 make an up-front payment," close quote, to, open quote,
25 "the Company shall -- shall require the customer to make

1 an up-front payment," close quote. In my rebuttal
2 testimony, I agreed with this change.

3 The OCS witness Daniel also recommended
4 lowering the 50 million system improvement threshold for
5 requiring up-front payment to 10 million. In my
6 rebuttal testimony, I disagreed with this change because
7 lowering the threshold to 10 million would significantly
8 expand the number of projects subject to this
9 requirement, including many that are routine and use
10 up-front engineering effort as minimal and not overly
11 burdensome. This could increase administrative overhead
12 for the Company and would lengthen the overall project
13 siting process for potential customers.

14 Number six, the last change is in
15 Section 10.02 of the tariff. This revision clarifies
16 how the Municipal Energy Sales and Use Tax is calculated
17 and references the applicable statute. No parties
18 objected this change.

19 Lastly, other proposed changes throughout the
20 tariff include rewording, updated references,
21 punctuation, formatting, and grammatical corrections
22 that do not effect the substance of the tariff. Changes
23 related to the distribution non-gas rates and
24 administrative charge have been addressed in
25 Mr. Summers' testimony. The proposals are just,

1 reasonable, and in the public interest.

2 This concludes my summary.

3 MS. BARRETT: And Mr. Parks is now available
4 for cross-examination and Commission's questions.

5 PRESIDING OFFICER: Okay. Thank you,
6 Ms. Barrett.

7 All right. Let's turn to Ms. Schmid.

8 MS. SCHMID: No questions.

9 PRESIDING OFFICER: Okay. Mr. Snarr?

10 MR. SNARR: No questions.

11 PRESIDING OFFICER: Okay. Mr. Russell?

12 MR. RUSSELL: No questions. Thank you.

13 PRESIDING OFFICER: All right. Mr. Cook?

14 COMMISSIONER HARVEY: No questions.

15 PRESIDING OFFICER: Mr. Davidson?

16 MR. DAVIDSON: No questions, Commissioner.

17 PRESIDING OFFICER: And the United States Air
18 Force Officer deserves to have her name pronounced
19 correctly. I apologize for last time. Major Newton,
20 any questions?

21 MAJOR NEWTON: No, sir. Thank you.

22 PRESIDING OFFICER: Thank you very much.

23 All right. Let's turn to Commissioner Clark.

24 COMMISSIONER CLARK: I have no questions.

25 PRESIDING OFFICER: Commissioner Harvey?

1 COMMISSIONER HARVEY: I'm ruining the record.

2 PRESIDING OFFICER: Somehow I knew that.

3 EXAMINATION

4 BY COMMISSIONER HARVEY:

5 Q. Just a couple of quick questions on the
6 GreenTherm interest expense changes you mentioned.

7 A. Yeah.

8 Q. Those expenses are integral to the program
9 being able to function, are they not? The GreenTherm
10 program?

11 A. The GreenTherm program -- those -- sorry.
12 Could you --

13 Q. The -- the interest charges occurring because
14 there's a balance -- is that integral to the program
15 being able to function?

16 A. No. It's not.

17 Q. But the interests are on assets that the
18 program needs to function, aren't they?

19 A. That's correct. I think the reason -- the
20 main reason behind this tariff change is the Company
21 recently purchased a very large amount of these green
22 attributes, which will result in the account being
23 significantly under-collected for a significant amount
24 of time. In order for that interest expense not to
25 build up a significant amount, the Company is proposing

1 to remove that. And so the contributions made by
2 customers are more directly used for actual green
3 attributes and not for covering interest expense.

4 Q. But the interest expense still exists;
5 correct? The Company spent the money, and it assumes
6 it's going to get its interest upon it?

7 A. Yes.

8 Q. So that -- the proposed tariff change would
9 just shift that interest expense from people that use
10 that particular program to the general customers of
11 Enbridge?

12 A. From my understanding, it would not. That
13 burden would just be on the Company.

14 Q. Is there a way we can clarify that to be sure?

15 A. Yes. I can check on that.

16 Q. Okay.

17 A. Subject to check.

18 Q. Okay. Thanks. That's all I have.

19 PRESIDING OFFICER: Thank you, Mr. Parks.
20 Just one question with respect to clarification.

21 EXAMINATION

22 BY PRESIDING OFFICER:

23 Q. You agree with the Division to change the
24 language and that language was to require contracted
25 engineering support, but the -- also the issue was

1 raised whether the threshold would be lowered from
2 \$50 million to \$10 million in funds. Was that raised in
3 your surrebuttal? And what I'm getting at is have you
4 had an opportunity to talk with the Division about that
5 threshold and your rationale for not lowering the
6 threshold to the 10 million that they proposed?

7 A. Yeah. I addressed that in my rebuttal
8 testimony, the reasoning behind not lowering that
9 threshold from 50 to ten.

10 Q. Okay. In your rebuttal, not in your
11 surrebuttal testimony?

12 A. That's correct.

13 PRESIDING OFFICER: Okay. All right. I think
14 that answers my question, then.

15 Okay. You may be excused. Thank you.

16 THE WITNESS: Thank you.

17 PRESIDING OFFICER: All right. While we're
18 moving to the next party, to the Division, let's address
19 the issue I raised right before lunch, and Mr. Park's
20 testimony is a good example where you've reached
21 agreement with respect to some of the tariff language,
22 and -- and I raise the issue with respect to the
23 explanation on why would it lower the threshold from --
24 you would not agree to a lower threshold the Division
25 requested. There's an example of an issue that's

1 outstanding, and we understand still -- may be a
2 disagreement on.

3 But what we'd like to know is what issues --
4 and give us a matrix of not all the parties have
5 agreed -- if all the parties have agreed, you can just
6 say this issue is resolved. If not, who has agreed to
7 it and who hasn't. You were going to talk about that.

8 I think we need to get an idea of when we
9 anticipate we could get a document to that effect. You
10 did have a chance to talk about that issue over
11 lunchtime --

12 MS. NELSON CLARK: We did.

13 PRESIDING OFFICER: -- Ms. Clark.

14 MS. NELSON CLARK: Yeah. We did. And to be
15 clear, what the Commission is looking for is a matrix
16 that reflects where we have agreement.

17 PRESIDING OFFICER: Yes.

18 MS. NELSON CLARK: And not necessarily a
19 comprehensive list of all issues and positions.

20 PRESIDING OFFICER: No, no, no. We -- I think
21 we -- we know the issues we've got.

22 MS. NELSON CLARK: Okay. We can have a draft
23 of matrix out to parties out by the end of this week.
24 And -- I -- I -- I'm reluctant to commit the parties to
25 a turnaround time, but we certainly could prepare a

1 first crack at that by the end of this week and have it
2 to everyone.

3 PRESIDING OFFICER: As to the issues which you
4 think are resolved?

5 MS. NELSON CLARK: That's correct.

6 PRESIDING OFFICER: Okay. And then the
7 parties to turn that around -- it's Thanksgiving week
8 coming up, but we also have a December 27th deadline on
9 an order. What do you think if Ms. Clark does the --
10 takes the laboring more on identifying issues that have
11 been agreed to, could it be done by Wednesday before --
12 maybe of some of you taking the whole week off.

13 Can we -- can we have a list before
14 Thanksgiving? What do you think?

15 I'm looking around for shakes of the head,
16 acquiescence or non-acquiescence.

17 MR. RUSSELL: Yeah. I was going to suggest
18 Wednesday. That -- that would work for me and for UAE.

19 PRESIDING OFFICER: Okay. I think that --
20 does that work for us?

21 COMMISSIONER CLARK: Yeah.

22 PRESIDING OFFICER: It works for us.

23 MR. SNARR: The -- the Office can do
24 Wednesday.

25 MS. SCHMID: The Division can too.

1 PRESIDING OFFICER: Okay. I see no objections
2 to that. I think we're okay, and most of those are
3 going to be issues that I think you probably agreed with
4 the Division or the Office on maybe, not with the other
5 parties as much. But I think that would be helpful for
6 us as we plow forward with drafting an order. So as we
7 just heard from Mr. Parks, we've got some of those
8 issues that have been laid out already in his testimony.

9 So -- and that doesn't preclude you from
10 seeing if there are other issues -- sub issues that can
11 be resolved, and maybe not, but that 50 million,
12 10 million threshold was one that seemed to me perhaps
13 there could be a discussion about that but perhaps not.

14 Okay. We will proceed now with the witnesses
15 for the Division of Public Utilities, and they have five
16 witnesses as well.

17 And, remind me, Ms. Schmid, which witnesses
18 you're covering.

19 MS. SCHMID: I am covering Mr. Daigle,
20 Mr. Fields, and Mr. Pernichele. Mr. Grecu is presenting
21 the Ortons.

22 PRESIDING OFFICER: The Ortons. Okay. Are
23 the Ortons related? I assume that means --

24 MS. SCHMID: No, not to my knowledge.

25 PRESIDING OFFICER: No? Okay. I -- I just

1 was asking because of the way you phrased it, I was
2 curious. Okay.

3 Well, then we'll turn to Ms. Schmid. No?
4 We'll turn to -- we're going to turn to Mr. Grecu.
5 Mr. Orton is the first witness that you have listed; is
6 that -- is that correct?

7 MR. GRECU: That's correct.

8 PRESIDING OFFICER: Okay. Mr. Orton, if
9 you'll come to the stand and be sworn.

10 Mr. Orton, welcome. Will you raise your right
11 arm to the square.

12 THE WITNESS: Thank you.

13 ERIC ORTON

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

16 PRESIDING OFFICER: Thank you very much. You
17 may be seated.

18 Mr. Grecu, we'll turn to you now.

19 MR. GRECU: Thank you.

20 DIRECT EXAMINATION

21 BY MR. GRECU:

22 Q. Mr. Orton, could you please state and spell
23 your name for the record.

24 A. My name is Eric Orton. That's E-r-i-c
25 O-r-t-o-n.

1 Q. And by whom are you employed, and what is your
2 position?

3 A. I'm employed by the Utah Division of Public
4 Utilities. I am a utility technical consultant.

5 Q. And what is your business address?

6 A. 160 East 300 South in Salt Lake here in the
7 Heber Wells building.

8 Q. And have you participated in this docket on
9 behalf of the Division?

10 A. I have.

11 Q. Did you review the Company's application,
12 supporting exhibits, and prefiled testimony along with
13 the other parties' testimony in this docket?

14 A. Yes. I did.

15 Q. Have you also reviewed responses to data
16 requests in this proceeding?

17 A. Yes. I have.

18 Q. Did you prepare and cause to be filed your
19 Phase II direct testimony and Phase II surrebuttal
20 testimony?

21 A. Yes.

22 Q. Do you have any changes or corrections to
23 those filings?

24 A. No. They're accurate.

25 Q. If I asked you the same questions posed in

1 that testimony today, would you provide the same
2 answers?

3 A. I would.

4 Q. And do you adopt the contents of your prefiled
5 testimony as part of your testimony today?

6 A. Yes.

7 MR. GRECU: I'd like to move to admit
8 Mr. Orton's Phase II direct testimony marked as DPU
9 Exhibit Number 1.0DIR and his Phase II surrebuttal
10 testimony marked as DPU Exhibit Number 1.0SR.

11 PRESIDING OFFICER: Okay. Without objection,
12 your direct and surrebuttal testimony are admitted.

13 (Eric Orton's prefiled testimony was
14 admitted into evidence.)

15 MR. GRECU: Thank you.

16 Q. (BY MR. GRECU) Mr. Orton, do you have a
17 summary to share today?

18 A. I do.

19 Q. Please proceed.

20 A. Thank you.

21 Today I will present the Division's
22 recommendations regarding certain tariff changes
23 proposed by the Company. In this Phase II, the Division
24 has carried out an extensive investigation and analysis
25 of the Company's cost of service and rate design

1 proposals and its proposed tariff language, reviewed the
2 testimony from other parties, and conducted considerable
3 discovery. The Division reached the conclusions
4 presented in its testimony based on its analysis of this
5 information.

6 The purpose of my summary today is to provide
7 the reasons why the Commission should adopt the
8 recommendations presented in my Phase II testimony.

9 My first recommendation is that the Commission
10 adopt the Company's proposal to delete duplicative
11 language in the tariff Section 8.03 related to language
12 under the energy assistance eligibility heading. The
13 Company initially proposed to eliminate the language in
14 item number two, which states, quote, "Customers that
15 receive HEAT assistance during the heating season will
16 be exempt from the energy assistance rate in that same
17 heating season," unquote.

18 Because it is duplicative of existing language
19 item number three that explains, quote, "Customers who
20 receive the credit will not be assessed the energy
21 assistant charge for 12 months following qualification,"
22 unquote, I noted that it is not necessary to have both
23 provisions that address the same concern.

24 In surrebuttal, Company witness Jordan Parks
25 testified that EGU has worked with the Office of

1 Consumer Services on changing additional language in
2 this section to address some of OCS' broader concerns,
3 and he presented the revised language in his exhibits
4 with his surrebuttal testimony. The Division has
5 reviewed these revised language in the tariff and the
6 testimony and supports the direction it is going and
7 does not oppose these changes.

8 Second, I recommend that the Commission adopt
9 the Company's proposal to remove the interest expense
10 for the under-collected balance and the renewable
11 natural gas GreenTherm program in tariff Section 9.0 --
12 I'm sorry -- 8.09. The Company states that it has
13 purchased enough RNG credits to have a sufficient
14 reserve that should last several years at the current
15 rate of customer watt purchases.

16 Under the current tariff, RNG customers pay
17 interest on the balance of RNG credits, which is
18 currently large and requires RNG subscribers to incur
19 interest expense on a balance they didn't cause. It is
20 unjust and unreasonable to burden RNG customers with
21 this charge until the pool of RNG credits is balanced
22 with the RNG block purchases.

23 My third recommendation is for the Commission
24 to adopt the Company's request to include language in
25 tariff Section 9.02 that requires customers who request

1 cost estimates for large scale projects to pay up front
2 for the preliminary engineering costs of the project.
3 In my Phase II direct testimony, I noted that I agreed
4 with the concept of Enbridges' proposed tariff language
5 to require up-front payment for preliminary their
6 engineering costs if the project would require system
7 improvement costs equal to or greater than \$50 million
8 or if the project was, quote, "complex," unquote.

9 However, I thought the language was too vague
10 to be effective, and I recommended that the word
11 "complex" be replaced with, quote, "requires contracted
12 engineering support," unquote.

13 In his rebuttal testimony, Mr. Parks agreed
14 with my recommendation and would quote, "more accurately
15 represent the types of projects for which the Company
16 may require an up-front payment for preliminary
17 engineering work," unquote.

18 Therefore, I recommend that the Commission
19 adopt my proposed language as represented in Mr. Park's
20 rebuttal testimony.

21 Finally, I recommend the Commission adopt the
22 Company's proposed change to tariff Section 10.02 that
23 clarifies that the Municipal Energy Sales and Use Tax is
24 to be calculated and charged in accordance with the
25 applicable state statute.

1 That concludes the summary of my testimony.
2 However, I also recommend that the Commission adopt the
3 recommendations offered in the prefiled testimony of the
4 other Division witnesses Annette Orton, Matt Pernichele,
5 Ryan Daigle, and David Fields. Thank you.

6 PRESIDING OFFICER: Thank you, Mr. Orton.

7 MR. GRECU: Thank you. The witness is now
8 available for cross-examination and questions from the
9 Commission.

10 PRESIDING OFFICER: Okay. Let's go first to
11 EGU.

12 MS. NELSON CLARK: No questions from the
13 Company. Thank you.

14 PRESIDING OFFICER: Okay. No questions from
15 the Company.

16 All right. I'll -- I'll turn to you in case
17 you have anything, Mr. Snarr.

18 MR. SNARR: No questions.

19 PRESIDING OFFICER: Okay. Mr. Russell?

20 MR. RUSSELL: No questions. Thank you.

21 PRESIDING OFFICER: Okay. Mr. Cook?

22 MR. COOK: No questions.

23 PRESIDING OFFICER: Mr. Davidson?

24 MR. DAVIDSON: No questions, Mr. Chair.

25 PRESIDING OFFICER: Major Newton?

1 MAJOR NEWTON: No questions.

2 PRESIDING OFFICER: Commissioner Clark?

3 COMMISSIONER CLARK: No questions. Thank you,
4 Mr. Orton.

5 PRESIDING OFFICER: Commissioner Harvey?

6 EXAMINATION

7 BY COMMISSIONER HARVEY:

8 Q. Just a quick follow-up on the GreenTherm
9 program again.

10 A. Sure.

11 Q. You heard my exchange with the Company's
12 witness a few moments ago on that program?

13 A. Yes, sir. I did.

14 Q. Given that I'm uncertain what type of
15 follow-up I might get back from the Company on that, I
16 was just curious if you had, in your analysis, any
17 information on what might happen to that interest
18 expense if the Company shareholders weren't adopting it
19 or if you could generate any light on that?

20 A. The only light I can shine is what I think you
21 already have determined, and that is I asked the Company
22 the same question. What happens to that interest
23 expense? They told me and then showed me the amount. I
24 forget the amount, but they told me that they would be
25 eating that expense.

1 Q. Thanks. That's very helpful.

2 EXAMINATION

3 BY PRESIDING OFFICER:

4 Q. Okay. Mr. Orton, I -- I only have one
5 question to follow up on what I asked Mr. Parks. If I
6 characterized his testimony as they -- they want to keep
7 the threshold for paying for contracted engineering
8 support at \$50 million, and you proposed that that be
9 lowered to \$10 million. What's that?

10 Is that -- is that correct?

11 A. I think it was the opposite of that.

12 Q. I say -- what did I say? How did I say it?

13 COMMISSIONER HARVEY: You said it was -- you
14 said he did, but it's the OCS that proposed the 10.

15 PRESIDING OFFICER: I have Mr. Orton -- did
16 you -- did you -- I apologize. This was a -- okay.

17 Q. (BY PRESIDING OFFICER) So what do you think
18 about that, Mr. Orton? I'm trying to cover my own --

19 COMMISSIONER CLARK: Good recovery.

20 A. I'd like to come up with some sort of turkey
21 driving a car analogy.

22 Q. (BY PRESIDING OFFICER) That would be good.
23 You have no opinion on that?

24 A. I don't know what the proper amount is. I
25 don't know if it's 10 million or 40 million or

1 20 million. I don't have an answer.

2 Q. Okay. All right. We'll ask that of the
3 Office's witness then. I apologize for that. That's
4 all I had. You may be excused.

5 THE WITNESS: Thank you.

6 PRESIDING OFFICER: Thank you, Mr. Orton.

7 Okay. We'll next go to -- this will be also
8 Mr. Grecu. This is Annette Orton.

9 Ms. Orton, will you come to the stand.
10 Welcome to the stand. Thank you. Would you raise your
11 right arm to the square.

12 ANNETTE ORTON

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

15 PRESIDING OFFICER: You may be seated.

16 DIRECT EXAMINATION

17 BY MR. GRECU:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Ms. Orton, could you please state and spell
21 your name for the record.

22 A. My name is Annette Orton. It's spelled
23 A-n-n-e-t-t-e O-r-t-o-n.

24 Q. By whom are you employed, and what is your
25 position?

1 A. I'm employed by the Utah Division of Public
2 Utilities, and I am a utility analyst.

3 Q. And what is your business address?

4 A. It is 160 East 300 South, Salt Lake City,
5 Utah.

6 Q. And have you participated in this docket on
7 behalf of the Division?

8 A. Yes.

9 Q. And did you review the Company's application,
10 supporting exhibits, and prefiled testimony along with
11 the other parties' testimony in this docket?

12 A. Yes.

13 Q. And you also reviewed responses to data
14 requests in this proceeding?

15 A. Yes.

16 Q. Did you prepare and cause to be filed your
17 Phase II direct testimony and Phase II surrebuttal
18 testimony?

19 A. Yes.

20 Q. And do you have any changes or corrections to
21 those filings?

22 A. No.

23 Q. And if I asked you the same questions proposed
24 in that testimony today, would you provide the same
25 answers?

1 A. Yes.

2 Q. Do you adopt the contents of your prefiled
3 testimony as part of your testimony today?

4 A. Yes.

5 MR. GRECU: At this point, I'd like to move to
6 admit Ms. Orton's Phase II direct testimony marked as
7 DPU Exhibit Number 8.0DIR and her surrebuttal testimony
8 marked as DPU Exhibit 8.0SR.

9 PRESIDING OFFICER: Okay. Seeing no
10 objection, we'll admit Ms. Orton's direct and
11 surrebuttal testimony.

12 (Annette Orton's prefiled testimony was
13 admitted into evidence.)

14 MR. GRECU: Thank you.

15 Q. (BY MR. GRECU) Ms. Orton, do you have a
16 summary of your testimony to share today?

17 A. Yes.

18 Q. Please proceed.

19 A. The Division maintains that Enbridge's natural
20 gas vehicle (NGV) program no longer serves a broad
21 public interest in advancing an alternative fuel.
22 Enbridge's own data shows declining NGV volumes, limited
23 customer use, and a shrinking market. The program now
24 relies heavily on ratepayer support to remain viable
25 while the cost born by ratepayers exceeds the benefits

1 provided.

2 Although Utah allows the Commission to approve
3 the subsidized NGV rate, it does not require continued
4 subsidization, particularly when market and technical
5 conditions have changed. Electric vehicle
6 infrastructure is expanding rapidly while NGV use and
7 vehicle availability continue to decline. These trends
8 indicate that ongoing ratepayer support for NGV stations
9 is no longer just, reasonable, or in the public
10 interest.

11 In conclusion, while subsidizing the NGV class
12 may be permitted under statute, the Division continues
13 to recommend that Enbridge phase out the NGV program by
14 the next general rate case or alternatively increase NGV
15 rates to eliminate the subsidy. If the program is
16 phased out, the Company should also evaluate selling
17 some or all NGV stations to private or public operations
18 as part of that transition.

19 This concludes my summary.

20 MR. GRECU: Thank you. The witness is
21 available for cross-examination and questions from the
22 Commission.

23 PRESIDING OFFICER: Okay. Thank you,
24 Mr. Grecu.

25 All right. Ms. Mitchell or Ms. Clark,

1 questions of this witness?

2 MS. MITCHELL: Thank you, Chairman. The
3 Company has no questions.

4 PRESIDING OFFICER: Okay. All right,
5 Mr. Snarr?

6 MR. SNARR: No questions.

7 PRESIDING OFFICER: Probably don't even need
8 to ask you on the Division witnesses, but I will just
9 for the record.

10 Okay. Mr. Russell?

11 MR. RUSSELL: No questions. Thank you.

12 PRESIDING OFFICER: Mr. Cook?

13 COMMISSIONER HARVEY: No questions.

14 PRESIDING OFFICER: Okay. Mr. -- why am I
15 drawing a blank here? Davidson. I'm so sorry.

16 MR. DAVIDSON: No problem.

17 PRESIDING OFFICER: Once I mess it up, then I
18 always get it right with the Major Newton.

19 MR. DAVIDSON: Thank you, Mr. Chairman. I do
20 have a few questions.

21 PRESIDING OFFICER: All right. I'm really
22 glad to hear that.

23 MR. DAVIDSON: Here we go.

24 CROSS-EXAMINATION

25 ///

1 BY MR. DAVIDSON:

2 Q. So, Ms. Orton, all my questions are directed
3 at your surrebuttal testimony.

4 A. Okay.

5 Q. This afternoon I just have a handful of things
6 to discuss with you a little bit.

7 At page 2, lines 36 through 40 of your
8 surrebuttal, you state the Division's position regarding
9 continued subsidization of the Company's NGV services.

10 Do you see that reference?

11 A. I'm sorry. Can you give me those lines again.

12 Q. Sure. Sure. Page 2.

13 A. Okay.

14 Q. Lines 36 through 40.

15 A. Okay. And what was the question?

16 Q. You state the Division's position regarding
17 the potential continued subsidization of the Company's
18 NGV service.

19 Do you see that?

20 A. Mm-hmm.

21 Q. All right. And that is presented -- as
22 presented in your direct testimony, you called for a
23 phasing out of the program or increasing charges to the
24 NGV class, as I think you just mentioned in your
25 summary; correct?

1 A. Mm-hmm.

2 (Reporter clarification.)

3 PRESIDING OFFICER: Just a second. So you'll
4 have to give an audible.

5 THE WITNESS: Okay. Okay.

6 PRESIDING OFFICER: "Mm-hmm" doesn't help the
7 court reporter. So is that a yes or a no?

8 A. Yes.

9 (Reporter clarification.)

10 Q. (BY MR. DAVIDSON) I'll slow down a little bit
11 because you need to turn to the mic. I get it now.
12 Okay.

13 Is the representation in your surrebuttal
14 testimony intended to modify the Division's position in
15 your direct testimony regarding the NGV program?

16 A. No. No.

17 Q. Over at lines 50 through 54 of your
18 surrebuttal, you reference the testimony of EGU witness
19 Stephenson.

20 Do you see that reference?

21 (Reporter clarification.)

22 A. Yes.

23 Q. (BY MR. DAVIDSON) And that asserts that EGU's
24 existing NGV stations continue to meet the requirements
25 of Utah Code Subsection 54-4-13.4(1)(b) and remain in

1 the public interest.

2 Do you see that?

3 A. Yes.

4 Q. Am I correct that Mr. Stephenson's filed
5 direct and rebuttal testimonies included no quantitative
6 analytics to support the Company's assessment of its
7 compliances with the Utah Code section I just read you?

8 A. Can you repeat that question.

9 Q. Yes. Am I correct that Mr. Stephenson's
10 direct and rebuttal testimonies that you reference
11 included no quantitative analytics to support the
12 Company's assessment of its compliance with the Utah
13 Code section?

14 A. That's correct.

15 Q. Okay. Am I also correct that you have
16 provided no independent analysis of the Company's
17 compliance with the Utah Code subsection I just
18 referenced?

19 A. Correct.

20 Q. Now, I'd like you to take a look at your
21 reference footnote ten on page 3 of your surrebuttal
22 testimony.

23 Do you have that?

24 A. Mm-hmm.

25 Q. Am I correct that footnote ten on page 3 is

1 the full language of Utah Code Subsection 54-4-13.4(1)?

2 A. Yes.

3 Q. Okay. Is it your understanding that
4 Commission -- that a Commission finding that the
5 Company's NGV station investments must meet all the
6 requirements in parts A, B, and C of that subsection?

7 A. Yes.

8 Q. And now focusing on subsection (b), we find
9 that language that addresses, quote, "the estimated
10 annual incremental increase in revenue related to the
11 stations and facilities," close quote.

12 Do you see that?

13 A. Yes.

14 Q. I -- am I correct that nothing in your
15 surrebuttal explains how either the legislature -- Utah
16 legislature or the Division defines the phrase, quote,
17 "estimated incremental increase in revenue related to
18 the stations and facilities"?

19 A. Correct.

20 Q. Okay. Now, let's look at footnote number 14
21 at the bottom of page 4 of your surrebuttal.

22 Are you with me?

23 A. Mm-hmm.

24 Q. Okay.

25 A. Yes.

1 Q. Does footnote 14 have the entirety of the --
2 of your surrebuttal testimony include the entirety of
3 the Company's response to DPU data request 30.1?

4 A. Yes.

5 Q. Okay. Now, nowhere in the Company's response
6 to DPU data request 30.1 is there a reference to, quote,
7 "estimated incremental increase in revenue related to
8 stations and facilities," is there?

9 A. No.

10 Q. Now, back at page 3 -- sorry. Let me go
11 back -- lines 55 through 56 of your surrebuttal, you
12 reference, quote, "The declining NGV volumes, limited
13 customer usage, and diminishing market demand."

14 Do you see that reference?

15 A. Yes.

16 Q. Can you explain how there could be any
17 increase in estimated incremental revenue when usage and
18 market demand are declining?

19 A. Can you repeat that question.

20 Q. Sure. And let me just simplify it. Is there
21 any way that you can think of that there can be an
22 increase in estimated incremental revenue for the NGV
23 program when usage and market demand of that program are
24 declining?

25 A. I cannot think of a --

1 Q. Okay. Would you agree that the concept of
2 incremental increases in NGV revenues was a product of
3 the perception at the time the legislation was enacted?

4 A. Yes.

5 Q. And that there would be a growing market for
6 NGV refueling services?

7 A. Yes.

8 Q. Now, if EGU should elect to sell some or all
9 of its NGV stations, subsequent to a final ruling by the
10 Commission in this proceeding, but before the Company's
11 next gas rate case, has the Division addressed the
12 manner in which other Utah ratepayers would be
13 compensated for the subsidies included in their rates
14 for plants and equipment associated with the NGV
15 stations that are sold and would no longer be used and
16 useful?

17 A. No.

18 Q. Okay. Now, over at page 4, lines 84 through
19 85, again of your surrebuttal, you reference Enbridge's
20 issuance of an "RFP to sell a portion of the Utah NGV
21 stations."

22 Do you see that reference?

23 A. Yes.

24 Q. Okay. If that were to occur, am I correct
25 that nothing in your -- either your direct or your

1 rebuttal testimonies in this proceeding addresses how
2 the potential sale of the NGV stations should influence
3 the Commission's rate determinations in this proceeding?

4 A. Correct.

5 Q. Okay. And if NGV subsidies are continued
6 after this proceeding concludes and EGU sells some or
7 all of its NGV stations, subsequent to a final order but
8 before the Company's next general rate case, does the
9 Division believe that Utah ratepayers who have subsidies
10 for EGU -- for Enbridge's NGV service included in their
11 rates should be compensated for subsidies no longer
12 required or justified but rates approved in this
13 proceeding?

14 A. Can you repeat that question.

15 Q. Sure. Let's assume the subsidies continue
16 after the conclusion of the NGV subsidies conclude --
17 continue after the conclusion of this rate case.

18 Do you have that in mind?

19 A. Mm-hmm.

20 Q. Okay. And then before the Company's next rate
21 case, does the Division believe that Utah ratepayers who
22 have subsidies for NGV service included in their rates,
23 right, should be compensated for subsidies no longer
24 required or justified but rates approved in this
25 proceeding remain in place?

1 A. Yes.

2 Q. And if EGU sells some or all of those NGV
3 stations prior to the next rate case, does the Division
4 believe Utah ratepayers who subsidize the Company's NGV
5 operations through their rates should share in the
6 proceeds from any sale in those assets?

7 A. Can you repeat that question.

8 Q. Yes. If the Company sells some or all of its
9 NGV stations, as its said it's considering doing, right,
10 prior to the Company's next general rate case filing,
11 does the Division believe that Utah rate payers who
12 subsidize the Company's NGV operations through their
13 rates should share in the proceeds from any sale of
14 those assets?

15 A. No.

16 Q. Okay. Why not?

17 A. Because it would be taken into effect in the
18 next general rate case and worked out through that.

19 Q. So would they get a benefit from the sale in
20 the next general rate case in your opinion, should they?

21 A. I think we would need to cross that bridge
22 when it gets there. Right now it's not even sold.

23 Q. So we'd just wait to see what the Company does
24 in the next rate case?

25 A. Yes.

1 Q. And address it then?

2 A. Mm-hmm.

3 Q. Okay. Thank you. That's all I have.

4 MR. DAVIDSON: Thank you, Mr. Chairman.

5 PRESIDING OFFICER: Okay. All right, thank
6 you very much, Mr. Davidson.

7 Major Newton, any questions?

8 MAJOR NEWTON: No, Commissioner. Thank you.

9 PRESIDING OFFICER: Okay. Commissioner Clark?

10 COMMISSIONER CLARK: I don't have any
11 questions. Thank you.

12 PRESIDING OFFICER: Commissioner Harvey?

13 COMMISSIONER HARVEY: I do.

14 EXAMINATION

15 BY COMMISSIONER HARVEY:

16 Q. I'm curious if you've thought about what -- if
17 there's a level of subsidization that is acceptable to
18 you for the NGV program?

19 A. I haven't thought about that.

20 Q. Okay. Gonna talk a little bit about the idea
21 of prudence. Do you agree that prudence needs to be
22 evaluated based on the information that was known when a
23 utility decision is made and not in hindsight?

24 A. No.

25 Q. Okay. Given that an investment has been made

1 in the infrastructure to have these stations operating,
2 if the program were discontinued, that investment would
3 still be on the books; correct?

4 (Reporter clarification.)

5 A. Yes.

6 Q. (BY COMMISSIONER HARVEY) You'll get it
7 eventually. That's all right.

8 A. I hope.

9 Q. All right. So can you envision a case where
10 the program is terminated and ratepayers end up, you
11 know, paying that full amount that's in rate base over
12 time plus the rate of return and all that. Is that what
13 would happen if the program was terminated?

14 A. It depends if, you know, if these stations
15 were sold.

16 Q. Okay. Now, the premise of your testimony is
17 that it's a declining market?

18 A. Yes.

19 Q. In a declining market, would you expect there
20 to be a lot of willing buyers that were happy to pay top
21 dollar for these assets?

22 A. Probably not.

23 Q. Okay. So in a situation where a program
24 continues and the customers that are using that are
25 paying -- we've heard today -- 70 percent of the ongoing

1 costs, is it possible that it's cheaper for ratepayers
2 to keep up a small subsidy with some revenue coming in
3 versus having to pay for the entire rate base?

4 A. That's possible.

5 Q. All right. Okay. Thanks very much.

6 PRESIDING OFFICER: Okay. I neglected to give
7 Mr. Grecu an opportunity for redirect, if you had any
8 after Mr. Davidson's cross.

9 MR. GRECU: I do not. Thank you, though.

10 PRESIDING OFFICER: Okay. I have no
11 questions. We'll excuse you, Ms. Orton.

12 THE WITNESS: Okay.

13 PRESIDING OFFICER: Thank you.

14 Okay. We'll turn to Ms. Schmid. This is --
15 the next witness is Ryan -- do I pronounce this
16 correctly -- Daigle.

17 MS. SCHMID: Daigle is correct. Thank you.
18 The Division would like to call him, please.

19 PRESIDING OFFICER: Okay. Mr. Daigle, if
20 you'll come to the stand.

21 Welcome, Mr. Daigle. Would you raise your
22 right hand. Thank you.

23 RYAN DAIGLE

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

1 PRESIDING OFFICER: Thank you. Please be
2 seated.

3 DIRECT EXAMINATION

4 BY MS. SCHMID:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Could you please state and spell your full
8 name.

9 A. It's Ryan Daigle, R-y-a-n D-a-i-g-l-e.

10 Q. By whom are you employed and in what position?

11 A. The Division of Public Utilities, and I'm a
12 utility technical consultant.

13 Q. Could you please provide your business
14 address.

15 A. 160 East 300 South, Salt Lake City, Utah
16 84114.

17 Q. Have you participated in this docket on behalf
18 of the Division?

19 A. Yes, I have.

20 Q. Did your participation include reviewing the
21 application and testimonies filed by the Company and
22 intervenors and data requests and responses insofar as
23 they pertain to the areas upon which you are testifying?

24 A. Yes.

25 Q. Do you have -- did you prepare and cause to be

1 filed DPU Exhibit Number 7.0 direct with accompanying
2 exhibits 7.01 direct, 7.02 direct, and your surrebuttal
3 testimony DPU Exhibit Number 7.0SR, and that surrebuttal
4 testimony had no exhibits?

5 A. Yes. I believe that's correct.

6 Q. Do you have any changes or corrections to your
7 prefiled testimonies?

8 A. I do not.

9 Q. If you were asked to prepare and file your
10 prefiled testimonies today, would your answers be the
11 same as they are typed in your prefiled testimony?

12 A. Yes. They would.

13 Q. Do you adopt the contents of your prefiled
14 testimonies as part of your testimony here today?

15 A. Yes. I do.

16 MS. SCHMID: The Division would like to move
17 for the admission of Mr. Daigle's Exhibit 7.0DIR with
18 its Exhibits 7.01 and 7.02 and his surrebuttal testimony
19 premarked as DPU Exhibit Number 7.0SR.

20 PRESIDING OFFICER: Okay. Without objection,
21 we'll admit Mr. Daigle's direct testimony, his two
22 exhibits, and his surrebuttal testimony. Thank you.

23 (Ryan Daigle's prefiled testimony and
24 exhibits were admitted into evidence.)

25 Q. (BY MS. SCHMID) Do you have a summary to share

1 with us today?

2 A. Yes, I do.

3 Q. Please proceed.

4 A. Good afternoon, Chair Fenn, Commissioner
5 Clark, and Commissioner Harvey. The Division recommends
6 the Commission adopt the adjustments proposed in my
7 direct testimony and supported in my surrebuttal
8 testimony. These adjustments include an increase to the
9 filing frequency of the conservation enabling tariff, or
10 CET, if the account balance falls outside the proposed
11 plus or minus \$10 million threshold.

12 Secondly, an increase to the amount the
13 Company is allowed to annually amortize and finally a
14 provision to expedite the return of large,
15 over-collected balances in the CET for any amount beyond
16 the 5 percent of the -- of the Utah jurisdictional base
17 DNG GS revenues. I also suggest a working group to look
18 into the transportation balance charge to determine the
19 efficacy of the calculation and the behavior of -- of
20 the TS class customers.

21 This concludes my summary. Thank you.

22 MS. SCHMID: Thank you. Mr. Daigle is now
23 available for cross-examination questions and questions
24 from the Commission.

25 PRESIDING OFFICER: Let's go to the Company.

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1 MS. NELSON CLARK: No questions. Thanks.

2 PRESIDING OFFICER: Okay. Mr. Snarr?

3 MR. SNARR: No questions.

4 PRESIDING OFFICER: Mr. Russell?

5 MR. RUSSELL: No questions, thank you.

6 PRESIDING OFFICER: Okay. Mr. Cook?

7 MR. COOK: No questions.

8 PRESIDING OFFICER: Mr. Davidson?

9 MR. DAVIDSON: No questions. Mr. Chairman.

10 PRESIDING OFFICER: Major Newton?

11 MAJOR NEWTON: No questions.

12 PRESIDING OFFICER: Commissioner Clark?

13 COMMISSIONER CLARK: No questions. Thank you,
14 Mr. Daigle.

15 PRESIDING OFFICER: That's a roll we're on,
16 Commissioner Harvey. Commissioner Harvey?

17 COMMISSIONER HARVEY: Just for you, I will --
18 I will save my CET questions for another venue. All
19 right.

20 PRESIDING OFFICER: I have a series of
21 questions I'd like to ask -- no. That's not true. I'm
22 not -- I just wanted to see if I could get a rise out of
23 Commissioner Harvey.

24 All right. Well, that's -- that's great.
25 You're finished. How was that? That was pretty

1 painless, wasn't it?

2 THE WITNESS: Wonderful. Thank you very much.

3 PRESIDING OFFICER: Thank you. You may be
4 excused.

5 Okay. I'm starting to revise my estimate that
6 we could finish this in one day. So don't disappoint
7 me.

8 All right. Mr. Grecu, we'll turn to you for
9 your next witness.

10 MS. SCHMID: I'm sorry. The next witness is
11 mine.

12 PRESIDING OFFICER: Oh, Ms. Schmid. I knew
13 that. I knew that. Wait a second. I just have to
14 look. This is Mr. Fields.

15 MS. SCHMID: The Division would like to call
16 Mr. Fields. Yes.

17 PRESIDING OFFICER: Okay. All right. Thank
18 you. Apologize.

19 Mr. Fields, welcome.

20 THE WITNESS: Thank you.

21 PRESIDING OFFICER: Raise your right arm to
22 the square.

23 DAVID FIELDS

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

1 PRESIDING OFFICER: Ms. Schmid.

2 MS. SCHMID: Thank you.

3 DIRECT EXAMINATION

4 BY MS. SCHMID:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Could you please state and spell your full
8 name.

9 A. Sure. My name is David Fields, D-a-v-i-d
10 F-i-e-l-d-s.

11 Q. By whom are your -- are you employed, and what
12 is your position?

13 A. Sure. Division of Public Utilities, and I'm a
14 utility analyst.

15 Q. And what is your business address?

16 A. It is 160 East 300 South, Salt Lake City, Utah
17 84114.

18 Q. Because you are new to our world, could you
19 please provide a very brief summary of your educational
20 and professional experience as they relate to your
21 position with the Division?

22 PRESIDING OFFICER: I just want to interrupt
23 for a second. What does that mean, you're new to our
24 world?

25 THE WITNESS: I'm an alien.

1 PRESIDING OFFICER: Recently employed.

2 MS. SCHMID: Recently employed and has not
3 testified before.

4 PRESIDING OFFICER: Okay. All right. Thank
5 you. All right. That's -- clarification probably all I
6 needed for --

7 THE WITNESS: I come in peace nonetheless.

8 PRESIDING OFFICER: All right. Thank you. I
9 apologize for interrupting, Ms. Schmid. Go ahead.

10 THE WITNESS: Certainly. So --

11 (Reporter clarification.)

12 A. I'm originally from Massachusetts. I've been
13 in Utah for 15 years. I got my graduate degree in
14 economics at the University of Utah. My undergraduate
15 was in economics at the university of Massachusetts,
16 and -- and here I am working for the Division of Public
17 Utilities as a utility analyst. I'm mostly dealing with
18 economic problems. That's my specialty.

19 Q. (BY MS. SCHMID) Thank you. Have you
20 participated in this docket on behalf of the Division?

21 A. Yes. I have.

22 Q. Did you prepare and cause to be filed your
23 direct testimony premarked as DPU Exhibit Number 9.0DIR
24 with its Exhibit 9.01DIR, which is your resume?

25 A. Yes. I did.

1 Q. Did you also prepare and cause to be filed DPU
2 Exhibit Number 9.0SR, which is your prefiled surrebuttal
3 testimony?

4 A. Yes. I did.

5 Q. Do you have any changes or corrections to that
6 prefiled testimony?

7 A. No. I do not.

8 Q. If you were asked to prepare and file the same
9 prefiled testimony today, would your answers be the
10 same?

11 A. Yes. They would.

12 Q. Do you adopt your prefiled testimony as part
13 of your testimony here today?

14 A. Yes, I do.

15 MS. SCHMID: The Division would like to move
16 for the identification of Mr. Fields' direct and
17 surrebuttal testimony as previously identified.

18 PRESIDING OFFICER: Yes. For the admission of
19 Mr. Fields' direct testimony with one exhibit and
20 surrebuttal. Seeing no objection, we'll admit them into
21 evidence.

22 (David Fields' prefiled testimony was
23 admitted into evidence.)

24 Q. (BY MS. SCHMID) Do you have a summary to
25 share with us today?

1 A. Yes. I do.

2 Q. Would you please proceed.

3 A. Certainly. Good afternoon, Commissioners. My
4 testimony addresses Enbridge's proposal to change the
5 time span for calculating the normal heating degree
6 days, NHDD, for the general service, GS, class and the
7 Company's implementation of its customer-specific
8 weather normalization adjustment, the WNA.

9 Based on its review of the information
10 provided in this case, the Division recommends the
11 Commission to direct the Company and other interested
12 parties to further study revising the period used to
13 establish NHDD and the customer-specific WNA.

14 In this case, Enbridge proposes a change to
15 the time span for calculating the NHDD from its current
16 20-year period ending in 2018 to a 10-year period ending
17 on December 31st, 2024. The Company asserts that this
18 change is needed to reflect recent warmer winters and
19 better balance upward and downward monthly WNA
20 adjustments. Enbridge witness Mr. Landward's testimony
21 supported this -- this proposal provided evidence that
22 demonstrates shortening the period used to calculate
23 NHDD lowers the NHDD baseline.

24 The Division remains unconvinced that the
25 Company's proposed shift to a 10-year period for

1 calculating NHDD is adequately substantiated. The
2 Company has not provided sufficient empirical evidence
3 for this modification. A -- a comprehensive time series
4 analysis, or longitudinal data analysis, for example,
5 would be essential to effectively confirm the necessity
6 of a change to the proposed 10-year period concluding on
7 December 31st, 2024.

8 Mr. Landward's testimony does not show that
9 the difference in average NHDD values, 20-year versus
10 10-year, is statistically significant. In the absence
11 of a proper statistical test that demonstrates the
12 difference is unlikely to have occurred by random
13 chance, the apparent variance between the time frames
14 cannot be reliably used as evidence for a material
15 change -- excuse me -- or trend. This lack of
16 statistical significance demonstrates -- demonstrated
17 undermines the evidentiary weight of Mr. Landward's
18 comparison.

19 The National Oceanic and Atmospheric
20 Administration, NOAA, employs a standardized 30-year
21 baseline for calculating NHDD to establish a normal
22 climate, which constitutes a robust, long-term standard.
23 Mr. Landward did reference a recent 15-year set of
24 climate normals by NOAA; however, this serves to
25 supplement the standard 30-year normals to facilitate

1 multivariate investigations into recent climate changes.

2 The downward trend in temperatures cited by
3 Enbridge on the surface could manifest an isolated
4 occurrence or a cyclical pattern; consequently,
5 utilizing it to form a general conclusion would
6 constitute a fallacy of composition. Therefore, the
7 Company would need to provide a more representative
8 sample for an inferential cross-sectional statistical
9 analysis to be conducted to justify the 10-year period
10 for calculating the NHDD.

11 In addition, I have concerns regarding the --
12 the Company's implementation of the WNA itself. The WNA
13 serves two critical functions for Enbridge. It acts as
14 a monthly true-up mechanism to align -- to align revenue
15 with budgetary projections and serves as a safeguard to
16 prevent revenue under-collection from approaching the
17 ceiling established by the Conservation Enabling Tariff,
18 the CET. Enbridge claims that the WNA significantly
19 mitigated under-collection that the CET would otherwise
20 have to -- have to rectify.

21 In my testimony, I raised concerns about the
22 implementation and computational resources related to
23 the WNA and question the efficiency of EGU's
24 methodology. Mr. Landward asserts that the Company
25 calculates a distinct normalization adjustment for each

1 individual customer's bill every time a new bill is
2 generated using the Company's customer care and billing
3 mechanism -- however -- software. Sorry.

4 However, I believe that this assertion is
5 provisional, because details on the methodologies,
6 specific testing protocols, and granular specifics of
7 the individual adjustment calculation and application
8 are significantly absent.

9 The Company has not precisely detailed the
10 extent to which its approved revenue stream is
11 maintained irrespective of consumption, suggesting that
12 a comprehensive and persistent assessment of the CET's
13 efficacy is appropriate and necessary.

14 I also respectfully disagree with Company
15 witness Austin Summers' assertions that no benefit would
16 be gained from further study of this issue and continue
17 to recommend that the Commission order further study of
18 the Company's proposal before revising the NHDD
19 baseline, as the Division is not convinced the proposed
20 change to a 10-year period is adequately supported.

21 This concludes my testimony. Thank you.

22 MS. SCHMID: Thank you. Mr. Fields is now
23 available for cross-examination questions and questions
24 from the Commission.

25 PRESIDING OFFICER: Okay. Thank you,

1 Ms. Schmid. Thank you for your summary, Mr. Fields.

2 I'll turn to the Company, to EGU.

3 MS. NELSON CLARK: No questions. Thanks.

4 PRESIDING OFFICER: Thank you, Ms. Clark.

5 Mr. Snarr?

6 MR. SNARR: No questions.

7 PRESIDING OFFICER: Mr. Russell?

8 MR. RUSSELL: No questions. Thank you.

9 PRESIDING OFFICER: Mr. Cook?

10 MR. COOK: No questions.

11 PRESIDING OFFICER: Mr. Davidson?

12 MR. DAVIDSON: No questions, Mr. Chairman.

13 PRESIDING OFFICER: Major Newton?

14 MAJOR NEWTON: No questions.

15 PRESIDING OFFICER: Okay. Commissioner Clark?

16 COMMISSIONER CLARK: I have no questions.

17 Thank you.

18 PRESIDING OFFICER: Commissioner Harvey?

19 COMMISSIONER HARVEY: You can't fool me twice.

20 PRESIDING OFFICER: I would be disappointed if

21 I did.

22 EXAMINATION

23 BY COMMISSIONER HARVEY:

24 Q. All right. Just a couple of quick ones.

25 A. Sure.

1 Q. You talk about a statistical significance?

2 A. Yeah.

3 Q. The data involved here is a population, not a
4 sample; is that correct?

5 A. Yes. That's true.

6 Q. So what particular type of statistical
7 significance would you be looking for?

8 A. I would have to go back and review the
9 confidence integrals to estimate the statistical
10 significance, especially if they did a time series
11 study. So at this moment, I do not have that answer. I
12 would need to go and check.

13 (Reporter clarification.)

14 Q. (BY COMMISSIONER HARVEY) You probably don't
15 have an answer to this one either then, but I'm going to
16 ask it.

17 A. Sure. Go ahead. By all means.

18 Q. In looking at the table in your testimony -- I
19 think it's the surrebuttal. It's on line 25, starts on
20 line 25.

21 A. Yes.

22 Q. There's a change there from 5350 [sic] normal
23 heating degree days down to 4878.

24 A. Mm-hmm.

25 Q. So approximately 500, a 10 percent change?

1 A. Yeah.

2 Q. What I'd like to know is how much bigger would
3 it need to be?

4 A. I don't have that answer, but I would like a
5 longer time study to see if there's a reference category
6 to make an effective comparison.

7 Q. And in terms of the actual weather
8 normalization mechanism, were you in the hearing room
9 earlier today when I was talking about the -- the
10 different measurement areas for temperature with the
11 Company witness?

12 A. Yes. I was here.

13 Q. Okay.

14 A. Yes.

15 Q. Given that conversation, do you have any
16 further enlightened understanding of what they're doing,
17 or do you still have questions about what they mean when
18 they say "an individual customer"?

19 A. I still have considerable questions.

20 Q. Okay. That's good to know.

21 So in terms of what that mechanism is doing,
22 there's some predicted heating degree day; correct?

23 A. Yep.

24 Q. And then there's an actual amount at this
25 individual customer level, and that difference is then

1 what's fed into their formula to come up with the
2 adjustment.

3 A. Mm-hmm.

4 Q. Does that sound correct to you?

5 A. Yeah. It does but --

6 Q. Okay.

7 A. Again, like I said before, I don't know
8 their -- the specifics of their system. It hasn't
9 represented, so there's still a significant amount of
10 uncertainty.

11 Q. Okay. But you -- well, do you agree that the
12 intent, regardless of what the actual mechanism is --

13 A. Sure.

14 Q. -- is to try and collect a certain amount of
15 revenue for a given amount of heating degree days?

16 A. Yes. I agree.

17 Q. Okay. And that -- and the second part -- what
18 I want to know if you agree or not is that regardless of
19 what that reference level was set to, there's going to
20 be an adjustment that pulls it back to what they're
21 expected?

22 A. I agree.

23 Q. Okay. And then the CET at a later date will
24 do a final true-up with respect to all of the costs, not
25 just the commodity costs?

1 A. As it should, yes.

2 Q. Okay. That's all the questions I have. Thank
3 you.

4 PRESIDING OFFICER: Okay. Mr. Fields, I have
5 no questions. You may be excused.

6 THE WITNESS: Okay.

7 PRESIDING OFFICER: Thank you very much.
8 Thank you. Appreciate it.

9 Before we take a break, I'd like to try to
10 finish all of the Division's witnesses. So Ms. Schmid,
11 you may call your final witness.

12 MS. SCHMID: The Division would like to call
13 Mr. Matthew Pernicbele.

14 PRESIDING OFFICER: Mr. Pernicbele, welcome.
15 Would you raise your right arm to the square.

16 MATTHEW PERNICHELE
17 was called as a witness, and having been first duly
18 sworn to tell the truth, testified as follows:

19 PRESIDING OFFICER: Thank you very much. You
20 may be seated.

21 DIRECT EXAMINATION

22 BY MS. SCHMID:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Could you please state and spell your full

1 name for the record.

2 A. It's Matt Pernichele, P-e-r-n-i-c-h-e-l-e.

3 Q. Thank you. By whom are you employed, and what
4 is your position?

5 A. I'm employed by the Utah Division of Public
6 Utilities, and I am a utility technical consultant.

7 Q. And what is your business address?

8 A. 160 East 300 South in Salt Lake City.

9 Q. Have you participated in this docket on behalf
10 of the Division?

11 A. Yes. I have.

12 Q. Did your participation include reviewing the
13 application, the prefiled testimonies of the Company and
14 others, and reviewing and/or preparing data requests and
15 responses?

16 A. Yes.

17 Q. Did you prepare and cause to be filed your
18 prefiled testimony consisting of one, your direct, DPU
19 Exhibit Number 6.0DIR, along with its exhibits, 6.01DR
20 through 6.08DR, your rebuttal testimony premarked as DPU
21 Exhibit Number 6.0R that had no exhibits, and your
22 surrebuttal premarked as DPU Exhibit Number 6.0SR with
23 one exhibit premarked as DPU Exhibit Number 6.01SR?

24 A. Yes.

25 Q. Do you have any changes or corrections to your

1 prefiled testimony?

2 A. No.

3 Q. If you were asked to prepare and file your
4 prefiled testimony today with the same questions, would
5 your answers be the same?

6 A. Yes.

7 Q. Do you adopt the contents of your prefiled
8 testimony as part of your testimony here today?

9 A. Yes.

10 MS. SCHMID: The Division would like to move
11 for Mr. Pernichele's direct, rebuttal, and surrebuttal
12 testimonies with exhibits as appropriate.

13 PRESIDING OFFICER: Okay. Thank you,
14 Ms. Schmid. Without objection, we'll admit
15 Mr. Pernichele's direct testimony and two exhibits with
16 rebuttal testimony, surrebuttal testimony with one
17 exhibit into the record.

18 (Matthew Pernichele's prefiled testimony
19 and exhibits were admitted into
20 evidence.)

21 MS. SCHMID: Thank you.

22 Q. (BY MS. SCHMID) Mr. Pernichele, do you have a
23 summary to share with us today?

24 A. Yes.

25 Q. Please proceed.

1 A. Good afternoon. My testimony in this case
2 focuses on the structure of the general service class,
3 gradualism, proposed changes to allocation factor 230,
4 and one clarification.

5 Regarding the general service class, over
6 99 percent of Enbridge's customers are in the general
7 service class, and over 60 percent of the Company's
8 volume is billed to the general service class. In
9 Enbridge's previous rate case docket number 22-057-03,
10 the Division noted that the general service class
11 contained a very heterogeneous group of customers with
12 vastly differing load factors, volumes, and
13 infrastructure needs. This creates the possibility of
14 intra-class subsidies with some general service class
15 customers paying significantly more than their cost of
16 service and some paying less.

17 I noted in my direct testimony that this
18 single class arrangement appears to be very rare among
19 natural gas utilities.

20 In response to a Division data request, the
21 Company calculated the effects of splitting the general
22 service class by basic service fee, as it recently did
23 in Wyoming, and by annual volume. Excuse me. The
24 Company's calculated split by basic service fee showed
25 rate of return indices between .998 and 1.1419 for the

1 proposed classes. The proposed volumetric split showed
2 a rate of return indices between .59 and 1.4. These
3 disparities are too large and too easily remedied to be
4 left within a single class, especially when that class
5 contains almost all of the Company's customers.

6 In discussions during the course of this case,
7 the Company stated that several -- stated several times
8 that it would not be able to implement any division of
9 the general service class quickly enough to be effective
10 during the period of this rate case. I was unable to
11 find a reason to question this assertion. I do not
12 propose splitting the general service class now because
13 it is impractical given the time limitations and no
14 clear alternative has been thoroughly studied.

15 Mr. Daniel testified on behalf of OCS --
16 testifying on behalf of OCS noted that it is unclear if
17 the benefits of such a split would exceed the costs.
18 This question also deserves additional study.

19 I propose that splitting GS class we examine
20 more thoroughly in a separate docket. This should be
21 scheduled to provide sufficient time to study the issues
22 so that changes could be implemented in Enbridge's next
23 general rate case. This is the approach that was used
24 when the Company's transportation class was split in the
25 previous rate case.

1 Regarding gradualism, the parties recommended
2 that the Commission apply gradualism in implementing the
3 Company's proposed rate increases to certain rate
4 classes. Mr. Oliver, testifying for the American
5 Natural Gas Council, argues that the proposed increase
6 for the interruptible service transportation bypass firm
7 and transportation classes violated the principal of
8 gradualism because they are too extreme to be
9 implemented at one time. He proposed limiting these
10 increases to one and a half times the Company's overall
11 rate increase.

12 In my prefiled testimony, I testified that
13 Mr.-- or I guess this is my rebuttal testimony. I
14 testified that Mr. Oliver is correct in that the rate
15 increase for the IS classes is too large and should be
16 mitigated. I also noted that the rate increase for the
17 TBF class appears to have already been mitigated in the
18 Company's recent cost of service study filed after the
19 Phase I stipulation.

20 Lastly, I recommended that the transportation
21 classes rate increases be judged as a percentage of
22 their whole cost of receiving gas service and thus
23 reasonable rate increases.

24 Alternatives to Allocation Factor 230.
25 Several parties have proposed changes to Allocation

1 Factor 230 that would result in shifting costs from
2 customers with higher load factors to those with lower
3 load factors. This issue has been extensively studied
4 and debated in Enbridge's recent rate cases. The
5 Commission has been consistent in approving the 60/40 --
6 60 percent demand, 40 percent throughput calculation for
7 Allocation Factor 230.

8 To provide the Commission with more options, I
9 proposed using the average and peak methodology from the
10 NARUC manual using the actual peak day usage for the
11 demand component.

12 The Division also proposed this methodology in
13 the Company's last rate case. I -- I withdrew this
14 suggestion in my surrebuttal testimony because I was
15 unable to get sufficient historical information in the
16 time available to conduct a thorough analysis. Because
17 I was unable to properly support actual peak day
18 allocation, I support using the current 230 Allocation
19 Factor.

20 And I have one clarification. The Division
21 recognizes that prudence is usually judged based on what
22 is known at the time the decision is made and that there
23 is an ongoing duty to be prudent.

24 And that concludes my summary. Thank you.

25 PRESIDING OFFICER: Okay. Thank you,

1 Mr. Pernichele.

2 MS. SCHMID: Mr. Pernichele is now available
3 for cross-examination questions and questions from the
4 Commission.

5 PRESIDING OFFICER: Okay. Thank you. Let's
6 go to the Company.

7 MS. MITCHELL: No questions. Thank you,
8 Mr. Chairman.

9 PRESIDING OFFICER: Okay. Mr. Snarr?

10 MR. SNARR: No questions for OCS.

11 PRESIDING OFFICER: Okay. Mr. Russell?

12 MR. RUSSELL: No questions. Thank you.

13 PRESIDING OFFICER: Mr. Cook?

14 MR. COOK: No questions.

15 PRESIDING OFFICER: Mr. Davidson.

16 MR. DAVIDSON: I do have questions,
17 Mr. Chairman. Thank you.

18 CROSS-EXAMINATION

19 BY MR. DAVIDSON:

20 Q. Good afternoon, Mr. Pernichele.

21 A. Good afternoon.

22 Q. Just a couple of questions at the beginning
23 about your experience, if I may. Your direct testimony,
24 page 1 lines ten through 15 outlines your background a
25 bit there.

1 Do you see that?

2 A. Yes.

3 Q. Okay. And as I understand it, you've been
4 with the Division for approximately two years; is that
5 right?

6 A. Yes.

7 Q. Okay. Did you have any experience with public
8 utility rate regulation before joining the Division?

9 A. No. I did not.

10 Q. Okay. And your testimony also references your
11 most recent participation in the Rocky Mountain Power
12 electric rate case; correct?

13 A. Yes.

14 Q. Is that the only other regulatory proceeding
15 you've testified in?

16 A. No. I've testified in other regulatory
17 proceedings, but that's the only rate case I've
18 testified in.

19 Q. All right. Let me have you turn to your
20 surrebuttal testimony on page 4.

21 A. All right.

22 Q. And in lines 82 through 83, you state, quote,
23 "Gradualism -- gradualism is most meaningful to
24 customers when measured against the full cost of the
25 product they are purchasing."

1 Do you see that reference?

2 A. Yes. I do.

3 Q. And in the context of that statement, what is
4 the product that you believe transportation customers
5 are purchasing?

6 A. Natural gas.

7 Q. Okay. So it's not transportation service
8 they're purchasing. It's the commodity of natural gas
9 in your estimation; correct?

10 A. It's both.

11 Q. It's both?

12 A. Yes.

13 Q. At page 4 of your surrebuttal, lines 84
14 through 86, you suggest that the Company's "proposed
15 charges to transportation service customers cannot be
16 directly compared to the Company's proposed pricing
17 service to other classes."

18 Do you see that reference?

19 A. Yes.

20 Q. And that's because transportation service
21 charges don't include gas commodity costs while the
22 Company's charges to other classes do include commodity
23 cost; correct?

24 A. That is correct.

25 Q. And am I correct that the Company's revenue

1 increase request in this proceeding is premised solely
2 on the distribution non-gas costs?

3 A. Yes.

4 Q. And none of the revenue increase the Company
5 seeks is based on its cost of gas supplies for firm
6 sales service customers; correct?

7 A. That's correct.

8 Q. Now, line 90 on page 4 of your surrebuttal,
9 you reference a need for, quote, "like for like
10 comparison of charges of transportation service and
11 sales service customers."

12 Do you see that reference?

13 A. Yes. I do.

14 Q. Can you explain why the appropriate like for
15 like comparison in the context of this case, which
16 focuses primarily on distribution non-gas charges does
17 not exclude gas costs for transportation service and
18 sales customers?

19 A. I believe the proper perspective to determine
20 if something is gradualism is the perspective of the
21 customer for the service that's being provided. And
22 when the customer gets a bill from Enbridge, it includes
23 gas. If one small part of -- component of that bill
24 goes up by a much higher amount, then the price changed
25 for the whole rate case. We don't judge it on that

1 component. We judge it on the whole bill.

2 I don't believe that transportation customers
3 should get a special dispensation for gradualism because
4 they choose to divide that bill between multiple
5 vendors, if that makes sense.

6 Q. Well, it does, but let me ask you a
7 clarification on that. You mentioned that customers'
8 bills is what's important with respect to the principle
9 of gradualism; correct?

10 A. Yes.

11 Q. Now, you also said that that includes the
12 commodity and the delivery; correct?

13 A. I believe that's correct, yes.

14 Q. All right. Now, a transportation customer,
15 their bill doesn't -- from Enbridge -- doesn't include
16 the commodity; correct?

17 A. That's correct.

18 Q. Only the transportation service?

19 A. That's correct.

20 Q. Okay. Am I correct that there's no analysis
21 or supporting exhibit or documentation that you perform
22 regarding specification of the usage characteristics
23 assumed when computing, quote, "full costs for
24 transportation customers"?

25 A. Yes.

1 Q. And would you agree that the full costs for
2 transportation service will be influenced by the
3 customer's level of monthly gas use and the relationship
4 between their monthly and annual gas volumes and their
5 firm contract demands?

6 A. Yes. That's my understanding of how the
7 current tariff is written.

8 Q. Now, at page 4 lines 88 through 90 of your
9 surrebuttal, you reference, quote, "using an average gas
10 price of \$3 per dekatherm."

11 Do you see that reference?

12 A. Yes.

13 Q. Now, I didn't find any support for the
14 representativeness, if you will, of that assumed \$3 per
15 dekatherm average gas price in your testimony; is that
16 correct?

17 A. Yes. Those numbers are very confidential. I
18 don't -- I don't have access to them.

19 Q. So this is just an illustrative number that
20 you used for purposes of preparing your testimony?

21 A. That's correct.

22 Q. And am I correct also that you've not provided
23 any documented quantitative analysis to support the
24 assessment of full costs of the product you believe
25 Enbridge transportation service customers are

1 purchasing?

2 A. I just multiplied the volume by my assumed
3 price.

4 Q. The assumed price -- the \$3 per dekatherm we
5 just spoke about?

6 A. That's correct. Yes.

7 Q. Okay. Likewise, I didn't find any analysis of
8 the, quote, "full cost," close quote, that firm sales
9 service customers pay under either rate schedule FS or
10 rate schedule GS. Am I correct on that?

11 A. Yes. You are.

12 Q. So I think we established that the primary
13 service transportation customers obtain from Enbridge is
14 the delivery of gas purchased from third party
15 suppliers; correct?

16 A. Yeah.

17 Q. And would you agree that the Commission only
18 regulates the Company's cost of distribution service for
19 transportation service customers but not the prices that
20 the customers pay for gas volumes?

21 A. That's correct.

22 Q. So if the Commission doesn't regulate the
23 price that transportation service customers pay for
24 their gas supply, why do you believe that the, quote,
25 "full cost," close quote, of the product purchased

1 should include both the gas commodity and
2 transportation?

3 A. I don't believe in any description I've ever
4 read of gradualism it says it limits it to what the
5 Commission can regulate. Now, the Commission might not
6 be able to regulate something that it can't regulate,
7 obviously, but I don't think that's what the gradualism
8 analysis is based on.

9 Q. So you're -- in order to -- if I understand
10 you, in order to apply the gradualism principle, it's
11 your opinion that you need to apply it to both the
12 commodity and the transportation service combined for a
13 transportation service customer?

14 A. Yes. It is. That would be treating
15 transportation customers and other customers equally.

16 Q. And in your mind, there's no application of
17 gradualism to the transportation function rate at all
18 without having a commodity component included?

19 A. Without understanding it as part of the whole
20 cost, yes.

21 Q. Okay. Now, at the top of page 3 of your
22 surrebuttal testimony, you have a Table 1?

23 A. Yes.

24 Q. Okay. And that provides two sets of
25 percentage increases for customers served under rate

1 schedules IS, TBF, TSS, TSM, and TSL.

2 Do you see that?

3 A. Yes.

4 Q. All right. Those sets of percentage rate
5 increases are based on the Company's assessment of
6 revenue increases by rate class that reflect the reduced
7 overall revenue increase from the Phase I settlement; is
8 that right?

9 A. EGU's final proposed, the second column, do.
10 I believe Mr. Oliver's were calculated before the final
11 settlement.

12 Q. That was my next question. Okay. Thank you.

13 Would you accept that all the percentages
14 listed in the columns of Table 1 are premised on the
15 analysis which assumed each class must provide the
16 Company with its full requested overall rate of return
17 of 7.61 percent?

18 A. I think Mr. Austin went -- or Austin Summers.
19 I'm sorry -- went through that earlier. Because this is
20 based on his surrebuttal testimony Exhibit 16SR, I
21 believe. And what did he say? I honestly -- right now,
22 I can't remember if he was -- if this was prepared using
23 the numbers under the previous rate case or what was
24 proposed under this rate case.

25 Q. Okay. I'll refer back to whatever it was he

1 said when I look at the transcript. But that's what
2 you're based on?

3 A. Yes.

4 Q. You based your testimony on; correct?

5 A. That's correct.

6 Q. Would you accept that the percentages on your
7 Table 1 under the heading "EGU's Final Proposed
8 Increase" reflect the Company's class cost of service
9 summary results but do not match the percentage
10 increases in DNG revenues by class that can be computed
11 from the information on the rate design ten year tab of
12 the same electronic model?

13 A. I would have to check that.

14 Q. Okay. All right. At page 3 of your
15 surrebuttal, lines 57 through 70, you discuss the
16 increase proposed for the Company's interruptible
17 service, the IS class; correct?

18 A. Yes. I do.

19 Q. And you've got several assertions that you got
20 there I'd just like to walk-through. First, you state
21 that the IS class has received a large subsidy for --
22 for a long time. Is that your testimony?

23 A. Yes. It is.

24 Q. And am I correct that you don't have any
25 evidence that supports either the length of time or the

1 amount of the so-called large subsidy that you believe
2 has been provided?

3 A. I guess the proposed increase to get it to its
4 cost of service is evidence of a large subsidy, but
5 other than that, no.

6 Q. And is it your testimony that the Commission
7 has overtime intentionally allowed large subsidies to
8 the IS class at the expense of customers in other
9 classes of service?

10 A. I can't speak to the Commission's
11 intentionality on that.

12 Q. So why do you think the Commission has allowed
13 those alleged subsidies over time?

14 A. I'm not -- I could speculate but -- I mean,
15 there is value to having interruptible class. Even if
16 they don't get interrupted that often, we pay a lot of
17 money as utilities to be able to cover times of
18 extremely high usage. So --

19 Q. All right. And in your surrebuttal, you state
20 that service to the IS customer class has only been
21 curtailed a few times in the last 25 years; is that
22 correct?

23 A. Yes.

24 Q. Do you have any number of what a few times
25 consists of over that time period?

1 A. Over -- I do not.

2 Q. Okay. So is it your understanding that
3 service to the IS customer class must be regularly
4 interrupted or curtailed for that service to provide
5 value to the system that is not obtainable from firm
6 service sales customers?

7 A. No.

8 Q. Why not?

9 A. It's a -- it's a reserve capacity for use in
10 times of extreme emergencies, like the natural gas --
11 liquid natural gas plant that we have on the system
12 or --

13 Q. All right. And I'm hoping you can clear up a
14 little confusion on my part at least at page 3, lines 59
15 to 70 of your surrebuttal that we've been speaking
16 about. And I will represent to you that it appears to
17 me that on one hand you're concerned about the large
18 subsidies that we spoke about a moment ago that have
19 been provided by the IS class, but on the other hand you
20 suggest that the large increases in rates for IS
21 customers could, quote, "deprive the system of the
22 flexibility that results from being able to interrupt a
23 portion of the load."

24 Do you see that?

25 A. Yes. I do.

1 Q. Is it your position that the flexibility to
2 interrupt the portion of the system load represented by
3 the IS class justifies some level of subsidy for IS
4 customers?

5 A. Assuming that is not handled somewhere else in
6 the rate calculation, I believe there is some level of
7 subsidy that is worth giving to those folks.

8 Q. Okay. And do you have any analysis or
9 documentation in your testimony about what the level of
10 the subsidy that you're referring to should be?

11 A. I don't make any recommendation as to a
12 specific level.

13 Q. Okay. But there should be some?

14 A. I think there should be some.

15 Q. All right. At page 3, lines 69 through 70,
16 you reference an aggregate price increase of
17 11.18 percent.

18 Do you see that reference?

19 A. Yes.

20 Q. And you indicate that as Mr. Oliver suggested,
21 and you provide a footnote nine that sites Mr. Oliver's
22 rebuttal testimony of page 12.

23 Do you see that?

24 A. Yes. I do.

25 Q. Now, I do have a copy of his testimony here,

1 but do you recall where on page 12 of his rebuttal
2 there's any reference to an aggregate price of
3 11.18 percent?

4 A. I do not. The 11.18 percent, I believe, is
5 the rate increase of the whole system, the aggregate
6 rate increase for all customer classes, and my
7 understanding of Mr. Oliver's recommendations on
8 gradualism, and this is -- I've seen this in past rate
9 cases -- is to make something gradual, you limit it --
10 rate increase to one and a half times the aggregate.

11 Q. And do you agree with that approach?

12 A. I think it's a workable approach. I'm not
13 going to say it's the only one, but it seems reasonable.

14 Q. All right. Mr. Perniciele, those are all the
15 questions I have for you. Thank you.

16 A. Thank you.

17 PRESIDING OFFICER: Okay. Thank you,
18 Mr. Davidson.

19 Major Newton.

20 MAJOR NEWTON: Briefly, Commissioner.

21 PRESIDING OFFICER: Please.

22 MAJOR NEWTON: Want to keep you on your toes.

23 CROSS-EXAMINATION

24 BY MAJOR NEWTON:

25 Q. When you were talking about your experience

1 with -- before this Commission, is it fair for me to
2 assume that this is your first involvement with this
3 Company in testifying in a case?

4 A. I believe that's correct.

5 Q. Okay. Now, when you talked about the class
6 cost of service in your direct testimony, you cited Utah
7 Code Section 54-4a-6, particularly noting fair cost
8 allocation. You -- you cited it as "Costs are fairly
9 distributed within and among different customer
10 classes," and of second note "Cost Causation: The rates
11 and charges should be -- should directly reflect the
12 cost that customers impose on the system. Generally,
13 customers should pay for the costs they cause."

14 You cited these, but do you agree with those?

15 A. Yes.

16 Q. Okay. And as a -- I -- I, too, am new to the
17 Enbridge gas general rate cases, but with your -- I'll
18 call them fresh eyes to the evaluation of this. In
19 your --

20 A. Generous. Thank you.

21 Q. In your surrebuttal testimony on page 5,
22 lines 101 to 102, you describe the current Allocator
23 Factor 230 -- at 230 as a compromise; is that correct?

24 A. I'm sorry. Could you repeat that.

25 Q. Absolutely. On page 5 of your surrebuttal

1 testimony, lines 101 -- 101, which is answering a
2 question regarding the Allocation Factor F [sic] 230,
3 you describe Allocation Factor F [sic] 230 as a fair
4 compromise?

5 A. Yes. That's the way it's been portrayed in
6 recent rate cases, and that's what the Commission's
7 approved in recent rate cases.

8 Q. Okay. Thank you. No further questions.

9 A. Thank you.

10 PRESIDING OFFICER: Okay. Thank you,
11 Major Newton.

12 Ms. Schmid, do you have any redirect?

13 MS. SCHMID: No redirect, thank you.

14 PRESIDING OFFICER: Okay. Thank you.
15 Commissioner Clark?

16 COMMISSIONER CLARK: No questions. Thank you.

17 PRESIDING OFFICER: Commissioner Harvey?

18 COMMISSIONER HARVEY: Just a couple.

19 EXAMINATION

20 BY COMMISSIONER HARVEY:

21 Q. With regards to the general service class, the
22 GS class, is your final recommendation that you would
23 recommend splitting that on both meter size and volume?

24 A. No. Those were just two possible splits.

25 THE WITNESS: Can you hear?

1 PRESIDING OFFICER: Yeah.

2 A. Those were just two possible splits that we
3 had the Company do the analysis on.

4 When I looked at other tariffs from other
5 natural gas utilities, most of them had different kinds
6 of splits than those two or those two combined with
7 other ones, but I -- I don't have a recommendation right
8 now. I'd like to go through the process of
9 investigating further.

10 Q. (BY COMMISSIONER HARVEY) So -- so the
11 recommendation is some type of a study group or some
12 other type of method to look at the possible --

13 A. That's correct.

14 Q. -- option? Okay.

15 With respect to splitting the class, is the
16 major benefit, in your mind, that cost allocation would
17 be done better?

18 A. Yes. There would be less subsidy amongst the
19 different members of the class. Or at least, that would
20 be the goal.

21 Q. But there wouldn't -- okay. Sorry. Strike
22 that.

23 Would there be any change to the actual
24 operations that the Company does to ensure that the firm
25 sales customers get the gas they need?

1 A. I don't believe so, no. I don't -- I don't
2 see how -- I don't foresee an outcome where that would
3 be the case.

4 Q. So from an operational perspective, it would
5 have no effect, but an accounting perspective, it might?

6 A. That's correct.

7 Q. Okay. Thank you. That's all my questions.

8 EXAMINATION

9 BY PRESIDING OFFICER:

10 Q. Mr. Pernichele, you referred to what EGU did
11 in Wyoming.

12 A. Yes.

13 Q. What's your understanding of the split of the
14 GS class in Wyoming?

15 A. I believe they did a volumetric split.

16 Q. Okay. And their -- and into two classes; is
17 that correct?

18 A. Yes.

19 Q. General service small and large general
20 service?

21 A. Yes.

22 Q. Okay. Do you know any of the -- can you tell
23 me the difference between those two classes? Did you
24 study that?

25 A. I'm sorry. I can't recall, and I didn't bring

1 that information with me.

2 Q. Okay. It's fine.

3 A. I apologize.

4 Q. No. It's fine. I was just curious.

5 PRESIDING OFFICER: All right. I think that's
6 all the questions we have for you, Mr. Perniciele.

7 We'll excuse you. Thank you.

8 THE WITNESS: Thank you.

9 PRESIDING OFFICER: And that concludes all of
10 the Division's witnesses. We've now covered ten of the
11 15 witnesses, and I propose we take a break.

12 Can we be back here 12, 13 minutes by
13 4:00 o'clock? Is that adequate for everybody, or do you
14 need a longer break?

15 Seeing nobody complaining about that, we'll be
16 back at 4:00 o'clock. We'll keep rolling. Thank you.

17 (Recess taken from 3:48 to 4:01.)

18 PRESIDING OFFICER: Okay. We'll go back on
19 the record. We'll now turn to the Office of Consumer
20 Services, and Mr. Snarr, I -- my recollection is you're
21 going to be presenting the witness James Daniel.

22 MR. SNARR: Yes. That's right.

23 PRESIDING OFFICER: Okay. And we'll note
24 again, we're glad Mr. Moore is with us. It's always
25 good to have you here.

1 MR. MOORE: Thank you.

2 PRESIDING OFFICER: Okay. Let's have
3 Mr. Daniel come to the stand.

4 There's no S on the name; right?

5 THE WITNESS: No S.

6 PRESIDING OFFICER: Okay. Mr. Daniel, will
7 you raise your right arm to the square.

8 JAMES DANIEL

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

11 PRESIDING OFFICER: Thank you. Please be
12 seated.

13 Mr. Snarr.

14 MR. SNARR: Thank you.

15 DIRECT EXAMINATION

16 BY MR. SNARR:

17 Q. Mr. Daniel, could you please state your name
18 for the record.

19 A. My name is James Daniel.

20 Q. And could you tell us by whom you're employed?

21 A. I'm employed by engineering firm
22 GES Associates.

23 Q. And have you been used as a consultant for the
24 Office of Consumer Services in this proceeding?

25 A. Yes.

1 Q. And in connection with that, have you reviewed
2 all of the filings that have been made in connection
3 with this Phase II portion of the proceeding?

4 A. Yes. I think I've reviewed most of them.

5 Q. Okay. Now, in connection with that
6 assignment, have you prepared testimony for prefiling in
7 this case?

8 A. Yes.

9 Q. And did you file -- prefile direct testimony
10 on September 16 of 2025 including exhibits?

11 A. Yes.

12 Q. And did you file rebuttal testimony on
13 October 16, 2025?

14 A. Yes.

15 Q. And did you also file surrebuttal testimony on
16 November 4th, 2025, with exhibits?

17 A. Yes. I did.

18 Q. And if you were asked the same questions
19 today, would you adopt all these questions and answers
20 as your testimony today?

21 A. Yes. The questions and answers are fine. I
22 do have one minor correction that's not related to the
23 questions and answers, if I can --

24 Q. Let's identify that and get it cleared up.

25 A. In my rebuttal testimony, the cover page has

1 the correct Exhibit Number, which is Phase II witness
2 OCS 3R Daniel. The following pages after the cover
3 page refer to the exhibit to -- as 3D. So those -- the
4 3D needs to say 3R.

5 Q. So the header on the numbered pages in your
6 rebuttal testimony needed to be corrected to show R for
7 rebuttal?

8 A. Correct.

9 Q. Thank you. Have you prepared a summary of
10 the -- of your testimony for presentation?

11 PRESIDING OFFICER: Mr. Snarr, do you want to
12 admit the testimony first?

13 MR. SNARR: Oh, yes. We would move for the
14 admission of the testimony and exhibits. It's OCS 3D
15 Daniel and related exhibits OCS 3R Daniel and OCS 3S
16 Daniel and related exhibits.

17 PRESIDING OFFICER: Okay. Thank you. We'll,
18 without objection, admit the testimony, the direct,
19 rebuttal as corrected -- the heading corrected, and the
20 surrebuttal testimony.

21 (James Daniel's prefiled testimony and
22 exhibits were admitted into evidence.)

23 PRESIDING OFFICER: Mr. Daniel.

24 Q. (BY MR. SNARR) Would you present your witness
25 summary, please.

1 A. Yes. Good afternoon. My summary will provide
2 a brief description of each issue I addressed in my
3 testimony. The first issues are related to cost
4 allocation. Some of the parties in this case are
5 wanting to relitigate two major cost allocation issues
6 that the Commission decided less than three years ago in
7 docket number 22-057-03. The two allocation issues are
8 EGU's use of its Allocation Factor number 230 and EGU's
9 allocation and large high pressure mains on the basis of
10 system throughput.

11 Allocation Factor 230 has been used for many
12 prior EGU cases. It is based on the sum of 60 percent
13 of the designed day allocation factor and 40 percent of
14 the system throughput allocation factor.

15 The parties that are posing these two
16 allocation methodologies that were recently approved by
17 the Commission have not provided any change in EGU's
18 system that would support their proposal to depart from
19 the Commission's order in EGU's previous rate case.

20 The Commission should reaffirm its prior
21 ruling on these two major cost allocation issues.

22 The next -- the next issue is related to the
23 allocation of interest on past due accounts. Interest
24 on past due accounts is a source of other revenues that
25 are credited to the customer class's allocated cost of

1 service, which reduces the amount that needs to be
2 recovered in base rates.

3 In this case, EGU is proposing to allocate the
4 interest they receive on past due accounts using the
5 distribution non-gas or DNG revenues. EGU's DNG
6 allocation factor is a general allocation factor and is
7 not related to the cause of the past two accounts, which
8 is customers.

9 I recommend an interest on past due accounts
10 be allocated on the number of customers. To be
11 consistent, I'm also recommending that bad debts or
12 uncollectible expenses should be also allocated on the
13 number of customers as pointed out in the UAE rebuttal
14 testimony.

15 The next issue is allocation of the EGU's
16 proposed NGV subsidy to customer classes. EGU's
17 proposing to subsidize its natural gas vehicle program
18 and -- and NGV customer class by approximately \$898,000
19 per year. The Company is also proposing to allocate the
20 subsidy using its general DNG allocation factor. This
21 will result in the GS class paying approximately 789,000
22 or 88 percent of the subsidy. None of the non-NGV
23 customer classes have caused the NGV classes revenue
24 short fall, which is the basis for the proposed subsidy.

25 A more equitable allocation methodology, one

1 that does not result in one customer class paying a
2 lion's share, should be used.

3 While I oppose the proposed NGV customer class
4 subsidy, if the Commission approves a subsidy, I
5 recommend that the NGV subsidy be allocated to customer
6 classes using the throughput allocation factor.

7 In addition to this NGV subsidy allocation
8 issue, I recommend that the Company wind down its
9 unprofitable NGV service and that the Commission order
10 NGV to file a plan for that purpose prior to its next
11 rate case.

12 The next issue is the revenue distribution.
13 Another contested issue in this case is whether
14 gradualism should be used to mitigate significant rate
15 increases. Several priorities claim that EGU's proposed
16 class revenues based on the cost of service results in
17 severe rate increases for certain classes. These
18 parties are proposing that gradualism be applied to
19 alleviate the large percentage increases.

20 EGU's proposed class rate increases are
21 similar to percent increases approved by the Commission
22 in EGU's prior rate case, and the Commission did not use
23 gradualism in that case.

24 My position is that since the Commission did
25 not apply gradualism in the last case that it should

1 also not approve -- approve it this case.

2 I support the Company's proposal to move all
3 classes to cost of service based rates.

4 Next issue is the GS rate design. ANGC
5 suggests that EGU's current base customer -- base
6 service fees, or BSF, should be increased but not --
7 excuse me -- but does not propose how much. No other
8 party is proposing an increase in the BSF charges.

9 I recommend that the Commission approve EGU's
10 proposal to maintain the current level of BSF charges.

11 The next issue is Section 8.03 of EGU's
12 tariff. In its application, EGU proposes to delete a
13 component of Section 8.03 related to eligibility for the
14 HEAT -- HEAT as an acronym. It's capital HEAT --
15 customer assistance program.

16 In my direct testimony, I oppose the proposed
17 deletion and suggested the need for other revisions to
18 Section 8.03 of the tariff. EGU and OCS has since
19 agreed to revise tariff language, and that was included
20 in the surrebuttal of EGU witness Jordan Parks.

21 Next issue is the conservation enabling
22 tariff. An issue in this case is whether EGU should be
23 allowed to continue using the CET. My recommendation --
24 my current recommendation is for the Commission to, one,
25 accept the DPU's revisions to the CET, two, allow EGU to

1 conduct its planned independent third party analysis of
2 its energy efficiency programs and, three, have the
3 Commission analyze the need for the CET in EGU's next
4 rate case.

5 Q. Thank you.

6 A. I've got one or two more issues.

7 Q. I'm sorry. Did I jump the gun? Oh, I did.

8 A. Next is the weather normalization adjustment.

9 In this case, EGU is proposing to reduce the number
10 of years to determine normal weather by 50 percent. The
11 WNA currently uses 20 years, and EGU proposes to use
12 10 years. EGU also refers to a support an AG --
13 American Gas Association survey on weather normalization
14 adjustments. There were ten respondents to that survey.
15 Five of them used 10 years, and the other five
16 respondents used 20, 25, and 30 years.

17 In my opinion, the reduction to 10 percent
18 [sic] is too drastic, given the AGA survey, and the
19 Commission should approve a 15-year period.

20 Last issue addresses large new customers. Due
21 to the huge national growth and data centers, electric
22 and natural gas utilities are experiencing and
23 projecting large increases in energy supply requirements
24 that require large increases in infrastructure
25 facilities. Regulatory Commissions need to ensure that

1 the utilities' existing customers do not pay for the
2 cost caused by the new data center customers.

3 The Commission has already begun to address
4 this issue for electric utilities. The issue also needs
5 to be addressed for gas utilities.

6 The Commission should address this issue in an
7 investigatory docket and should temporarily close the
8 transportation bypass firm or TBF rate class until the
9 Commission has addressed this issue.

10 I'd also note that I have proposed some tariff
11 language adjustments regarding this issue. One of them
12 was in Section 9.02 and regarding the threshold for
13 large new loads to pay up-front preliminary engineering
14 costs incurred. The current tariff has a 50 million
15 threshold for system cost increases for the new load. I
16 recommended that that be reduced to \$10 million.

17 Thank you. That's the end of my summary.

18 PRESIDING OFFICER: Okay.

19 MR. SNARR: Thank you. Mr. Daniel is now
20 available for cross-examination and questioning.

21 PRESIDING OFFICER: Okay. Thank you,
22 Mr. Daniel, for your summary, and thank you, Mr. Snarr.

23 I'll turn to the Company.

24 MS. MITCHELL: The Company has no questions.
25 Thank you, Mr. Chairman.

1 PRESIDING OFFICER: Okay. Does the Division
2 have any questions?

3 MS. SCHMID: The Division has no questions for
4 this witness.

5 PRESIDING OFFICER: Okay. Mr. Russell?

6 MR. RUSSELL: I do, but this should be very
7 brief.

8 PRESIDING OFFICER: Okay. Go ahead.

9 CROSS-EXAMINATION

10 BY MR. RUSSELL:

11 Q. Mr. Daniel, good afternoon.

12 A. Good afternoon.

13 Q. You mentioned in your summary your
14 recommendation that the Commission not adopt gradualism
15 for the transportation classes, and you base that in
16 part on your -- your recollection or your reference to
17 the last rate case; is that right?

18 A. Yes.

19 Q. Okay. You acknowledge, I suppose, that the
20 Commission did utilize rate mitigation measures in the
21 last rate case due to the rate shock associated with the
22 split of the transportation class; is that right?

23 A. I don't recall.

24 (Reporter clarification.)

25 Q. (BY MR. RUSSELL) That's all I have. Thank

1 you.

2 PRESIDING OFFICER: Okay. All right. Thank
3 you, Mr. Russell.

4 Mr. Cook?

5 MR. COOK: No questions.

6 PRESIDING OFFICER: Okay. Mr. Davidson, any
7 questions from you?

8 MR. DAVIDSON: I do have some questions,
9 Mr. Chairman. Thank you.

10 PRESIDING OFFICER: Okay.

11 CROSS-EXAMINATION

12 BY MR. DAVIDSON:

13 Q. Good afternoon, Mr. Daniel.

14 A. Good afternoon.

15 Q. Let me have you turn to your surrebuttal at
16 page 1, line 14, where you begin a discussion of new
17 large customers.

18 A. What line?

19 Q. It starts at line 14. I'm going to ask about
20 lines 17 through 20.

21 A. Okay.

22 Q. In there, you've characterized Mr. Oliver's
23 rebuttal testimony as suggesting a wait and see approach
24 to addressing additional requirements for new large
25 customers.

1 Do you see that reference?

2 A. Yes.

3 Q. Can you point me to any place in your direct,
4 rebuttal, or surrebuttal testimonies in this proceeding
5 where you've identified or quantified the dollar impact
6 of specific load problems that new large loads had on
7 the Enbridge system to date in Utah?

8 A. I have not made that analysis.

9 Q. And at page 2 of your surrebuttal testimony,
10 line 24, you have a reference to the Utah legislature's
11 SB132.

12 Do you see that?

13 A. What -- what line?

14 Q. Line 24.

15 A. Yes.

16 Q. Okay. Am I correct that SB132 addresses
17 electric utility amendments?

18 A. Yes. That's correct.

19 Q. And would you accept that there's nothing in
20 that statutory provision that specifically addresses new
21 large gas service customers?

22 A. Yes. I believe that's correct.

23 Q. Okay. You also make a reference at page 2 of
24 your surrebuttal down in lines 24 through 27 to the
25 Commission's docket number 25-R318-01.

1 Do you see that reference?

2 A. Yes.

3 Q. Am I correct that that docket is focused on
4 large scale electric service requirements?

5 A. Yes. That's correct.

6 Q. Have you reviewed the comments of the Office
7 of Consumer Services that were submitted in the docket
8 we were just speaking about, 25-R318-01, on August 28th,
9 2025, and October 10th, 2025?

10 A. I do not believe I reviewed that.

11 Q. Okay. Would you accept for, subject to check,
12 that neither of those filings includes any explicit
13 reference to gas service issues for large scale
14 customers?

15 A. Yes. I'll accept that, subject to check.

16 Q. Thank you. At page -- page 2, lines 31
17 through 33 of your surrebuttal, you state that "EGU
18 indicates in its 2025 IRP that it's already received
19 multiple requests to serve direct power generation at
20 specific data center locations," and I think you
21 mentioned that a little bit in your summary.

22 Do you see that reference?

23 A. I do.

24 Q. Am I correct that there is no quantification
25 in your testimony of any specific impacts or problems

1 associated with those, quote, "requests," close quote,
2 for gas service for data center locations?

3 A. No. The information needed to do that is not
4 available.

5 Q. Not available?

6 A. Correct.

7 Q. All right. Am I correct that there's no place
8 in your direct, rebuttal, or surrebuttal testimony in
9 this proceeding where you've identified any specific
10 costs associated with large customer loads for which the
11 Company seeks recovery in this proceeding?

12 A. No. I don't think there is.

13 Q. And also is -- is it correct that nowhere in
14 your testimonies have you identified or quantified any
15 specific costs associated with large customer loads for
16 which the Company is seeking recovery from non-large
17 load customers?

18 A. Are you referring to new customers or existing
19 customers?

20 Q. New large load customers.

21 A. If they're beyond -- new beyond the test year,
22 they would -- they wouldn't be included in this case.

23 Q. Okay. Well, what about new large load
24 customers that you were referencing in your testimony?
25 If they were included in the test year, is there any

1 quantification that you've made of any cost impacts from
2 those customer loads that would come onto the system?

3 A. I don't believe that during the test year the
4 Company experienced any new large loads.

5 Q. So this is sort of aspirational on the
6 Company's part, as far as when those large loads may or
7 may not arise; is that correct?

8 A. What -- I'm -- based on the IRP, they've said
9 they've had requests for service by large loads.

10 Q. Just requests, though, right? Nothing has
11 come to pass as far as development of a large load
12 during a test year I think you just said; right?

13 A. Probably. I don't know if the Company has or
14 hasn't.

15 Q. Okay.

16 A. I don't know details.

17 Q. You mentioned gradualism in your summary at
18 page 3 of your surrebuttal starting on line 50, you
19 address the, quote, "Proposed Revenue Distribution and
20 Gradualism."

21 Do you see that reference?

22 A. Yes.

23 Q. And it was my understanding that it's your
24 position all class revenue requirements should move to
25 their full cost of service as long as no class receives

1 an increase greater than the largest increase the
2 Commission approved for any class in the Company's last
3 rate case; correct?

4 A. I don't think that's correct.

5 Q. What's incorrect about it?

6 A. I don't think I limited it to whatever the
7 largest increase was.

8 Q. You -- you didn't limit it to what?

9 A. To whatever the largest increase was. I think
10 it's more that it was in the range of the -- what the
11 Commission approved in the last case.

12 Q. So not a specific number, but a range of
13 impact. Is that it?

14 A. Yeah. It was in -- I don't think I
15 recommended a specific number.

16 Q. Okay. Is it your understanding the
17 Commission's determination of class revenue requirements
18 in docket number 22-05703 included no consideration of
19 gradualism principles?

20 A. Well, you previously asked me about the
21 transportation class. I just don't recall what was done
22 for the --

23 Q. I don't think I asked you about that. Well,
24 someone else I think did, but let me ask you this
25 question.

1 A. Okay.

2 Q. Are you aware that in the Commission's order
3 in that proceeding, the docket number I just mentioned,
4 there was a specific provision for a phased
5 implementation of rate increases for the Company's
6 transportation class? Does that sound familiar?

7 A. It does.

8 Q. Okay.

9 A. I now remember that. Yes.

10 Q. Okay. Are you familiar with the Phase I
11 settlement in this proceeding and the overall revenue
12 requirement that the -- for EGU and what it produces?

13 A. I'm not.

14 Q. Would you accept, subject to check, that the
15 Phase I settlement provides the Company an overall
16 revenue increase of its distribution non-gas revenues of
17 approximately 14 percent?

18 A. Yes. That sounds -- sounds correct.

19 Q. In the context of the Phase I settlement
20 revenue increase that we just spoke about, what's the
21 largest percentage increase you believe to be reasonable
22 to apply to any EGU rate class in this proceeding
23 without violating gradualism principles?

24 A. I haven't made that analysis.

25 Q. Do you have an estimate of what that would be?

1 A. I'm relying on the Commission's order in the
2 last case --

3 Q. Okay.

4 A. -- as the limit.

5 Q. And that order just provided for the
6 transportation class to be separated out, I think we
7 just spoke about; right?

8 A. It was a phase in to get to cost base rates.

9 Q. Okay. And where does gradualism for other
10 customer rate classes fit into that, if at all?

11 A. Well, they -- I'm not sure I understand your
12 question, but they were not part of the phase in. So
13 there was no gradualism for the other classes.

14 Q. Okay. Does your position regarding the
15 maximum increase acceptable without violating gradualism
16 principles vary depending on the rate class in which the
17 increase is supplied?

18 A. No. I don't believe so.

19 Q. Is that full across the board?

20 A. Yeah. Generally it -- it doesn't matter what
21 class it is.

22 Q. Okay. Would you accept that customers in all
23 classes can be expected to have made energy use related
24 investment decisions, such as appliance choices,
25 building insulations, decisions, et cetera based on the

1 Company's currently effective rates?

2 A. I suppose there are some customers that would
3 have done that.

4 Q. And when making energy use related
5 investments, you believe customers should be able to
6 expect some reasonable continuity in rates and charges
7 for gas service that they'll be required to pay?

8 A. Well, it's one of the things you consider when
9 determining a revenue distribution but --

10 Q. So yes?

11 A. -- other facts are considered as well.

12 Q. Okay. Let's look at page 6 of your
13 surrebuttal testimony and the allocation of interest on
14 late payments portion that begins on line 118.

15 Do you see that?

16 A. I do.

17 Q. All right. In lines 125 and 126, page 6 of
18 your surrebuttal, you state that, quote, "ANGC witness
19 Oliver agrees with my recommended adjustment to allocate
20 interest on late payments on the basis of numbers of
21 customers in each class," close quote.

22 Do you see that?

23 A. Yes.

24 Q. Do you -- can you cite the page and line
25 numbers in Mr. Oliver's rebuttal testimony that you

1 relied on for that statement?

2 A. I can't right here.

3 Q. Okay. I have a copy of this, but would you
4 accept, subject to check, that it was Mr. Oliver's
5 rebuttal page 22 lines 468 to 477 that you based that
6 recommendation on?

7 A. Yes. I'll accept that, subject to check.

8 Q. Okay. Just trying to keep this going here
9 because I know we're trying to finish up today. Almost
10 done.

11 The only expression of agreement with your
12 testimony on this matter relates to Mr. Oliver's
13 assessment that, quote, "large customers are not
14 generally the source of past due accounts and that
15 allocating interest on past due accounts using DNG
16 revenues most likely overstates the portion of interest
17 on past due accounts that is appropriately attributable
18 to large customers"; is that correct?

19 A. I assume you read it correctly.

20 Q. Okay. Now, can you indicate to the Commission
21 any other place in Mr. Oliver's rebuttal testimony where
22 you believe he expresses support for your recommended
23 allocation of interest on past due accounts?

24 A. I don't have it in front of me. So I cannot
25 do that.

1 Q. If I gave you a copy, would you be able to
2 find something in it?

3 A. I can look.

4 Q. Okay.

5 MR. DAVIDSON: May I approach?

6 PRESIDING OFFICER: You may.

7 A. I'm sorry. Could you ask your question again.

8 Q. (BY MR. DAVIDSON) Sure. Is there any place
9 that you can find in Mr. Oliver's rebuttal testimony
10 where you believe he expresses support for your
11 recommended allocation of interest on past due accounts?

12 A. His recommendation is if -- if the Commission
13 accepts my allocation, then should also allocate
14 uncollectible accounts using the number of customers.

15 (Technical difficulty.)

16 PRESIDING OFFICER: Let's go off the record
17 for just a second.

18 (Discussion held off the record.)

19 PRESIDING OFFICER: Is there a pending
20 question?

21 Q. (BY MR. DAVIDSON) I think maybe, but I'll see
22 if Mr. Daniel found anything that's responsive.

23 A. Yeah. Mr. Oliver's rebuttal testimony says he
24 agrees with me that "large customers are not generally
25 the source of past due accounts and that the allocating

1 interest of past due accounts using DNG revenues most
2 likely overstates the portion of interest on past due
3 accounts that is attributable to large customers."

4 It goes onto say, "If the Commission accepts
5 Mr. Daniel's rationale for his proposed change in
6 allocation of interest on past due accounts, the
7 Commission must also find that the same rationale
8 suggests that EGU's allocation for uncollectible
9 accounts expense and account 904 is also inappropriate
10 and reflective of actual cost causation."

11 So I -- I -- my testimony does mischaracterize
12 what he -- what he said.

13 Q. Okay. And just before we had our technical
14 difficulty, got one more question. Am I correct that
15 you have provided no analysis in this proceeding that
16 demonstrates a correlation between a number of customers
17 in each rate class and the costs EGU customers -- EGU
18 incurs for interest on past due accounts?

19 A. No. I do not have that information.

20 Q. That's all I have for you today, Mr. Daniel.
21 Thank you.

22 PRESIDING OFFICER: Okay. Thank you,
23 Mr. Davidson.

24 THE WITNESS: Thank you.

25 PRESIDING OFFICER: Excuse me. Major Newton?

1 MAJOR NEWTON: I think I just have one
2 question.

3 PRESIDING OFFICER: Okay. Proceed.

4 CROSS-EXAMINATION

5 BY MAJOR NEWTON:

6 Q. Good evening, almost.

7 A. Good evening.

8 Q. In looking at your rebuttal testimony on
9 page 7 where you're addressing Mr.-- FEA's testimony
10 regarding the cost allocation factor on page -- sorry.
11 Not page -- on line 150, you note one of your criticisms
12 of FEA's testimony is that we did "not point to any
13 change since the last rate case that would support the
14 Commission departing from its methodology for
15 determining just and reasonable rates in its recent
16 order."

17 Is your testimony that Enbridge would have to
18 change their system in order for a different allocation
19 factor to be adopted if it was proven to be based on
20 cost causation principles that were just and reasonable?

21 A. Well, that would be the primary thing that
22 would maybe support changing how costs are allocated.
23 But I'm referring to the two allocation factors, the 230
24 and the allocation of the large intermediate high
25 pressure mains. That's probably, you know, what would

1 need -- that would have to be some system changes for
2 those two allocation factors to change in my opinion.
3 Other allocation factors there could be other things
4 that could change that might support changing how
5 allocation was done.

6 Q. Okay. Thank you. No further questions.

7 PRESIDING OFFICER: Okay. Thank you, Major
8 Newton.

9 We'll turn to Mr. Snarr for any redirect.

10 MR. SNARR: No redirect.

11 PRESIDING OFFICER: Okay. We'll turn to the
12 Commission. Commissioner Clark?

13 COMMISSIONER CLARK: No questions. Thank you.

14 PRESIDING OFFICER: Okay. Commissioner
15 Harvey?

16 COMMISSIONER HARVEY: Just a couple.

17 EXAMINATION

18 BY COMMISSIONER HARVEY:

19 Q. I'd like to explore the new large load
20 concerns that you've expressed in your testimony and in
21 your summary. Given the existence of the CET and the
22 rates by class coming out of a rate case being set, what
23 types of costs specifically do you see that there's a
24 danger that they could be misallocated or -- or whatever
25 it is that you're -- I guess explain your concerns to me

1 a bit more.

2 A. Well, it kind of ties to the tariff language
3 change as well. When a large load requests service from
4 the utility, utility does an engineering analysis to
5 determine what the system impact is of that large new
6 load. So it might require additional pipelines,
7 certainly mains. They determine how much it's going to
8 cost, and depending on their tariff provisions, you
9 know, they may be able to charge a contribution in aid
10 of construction for some of the additional costs.

11 But it ain't -- may not be able to include it
12 all in a CIAC. So those system improvements that would
13 be caused by the large load would be the things that I'm
14 concerned about.

15 Q. And do you have specific tariff language in
16 their current tariffs that you think would allow a new
17 large load customer to come on without paying all of
18 those costs that they find in their -- in the studies?

19 A. Well, the biggest concern are these new data
20 centers, and there -- there are other issues related to
21 those. They're -- a lot of them could be -- have
22 multiple applications with other utilities for the data
23 center. So they may or may not materialize, but the
24 Company could have already incurred some costs to
25 address that. The data center issue is really what I

1 was focused on.

2 Q. And I guess I'm trying to understand is why
3 you think there could be those unpaid costs, and I want
4 you to point out where you think I'm getting this wrong.
5 When I read that tariff, it seems to me that the Company
6 has to write a check before they start the engineering
7 stuff?

8 A. Yes. That's correct for that Section point
9 902 [sic]. Once they go forward with commitment to put
10 their data center connected to the EGU system, then
11 EGU's going to have to start building facilities to
12 serve that customer, and some of those facilities in the
13 next rate case could get allocated to everybody.

14 Q. So your testimony is there -- there are
15 provisions in the current tariff that allowed that
16 potential transfer to happen that the Company -- that
17 the new large load doesn't have to pay for that
18 construction prior to receiving service?

19 A. Yes. That's -- that's -- that's right. There
20 is a line extension provision that may require payment
21 for part of that, but not all of it, and that's --
22 that's the concern.

23 Q. All right. Thank you. I appreciate it.

24 EXAMINATION

25 ///

1 BY PRESIDING OFFICER:

2 Q. Mr. Daniel, I'm tempted to let this go, but
3 since I confused you with Mr. Orton, I think I better
4 ask this question. So when we were talking about
5 preliminary engineering costs for large scale projects,
6 you made two recommendations. The first one was the
7 Company "may" require an up-front payment to "shall"
8 require up-front payment. It's my understanding that
9 EGU agreed with you on that -- those changes; is that
10 correct?

11 A. Yes.

12 Q. And then you made a second recommendation that
13 you lower the -- the cost threshold that the Company
14 proposed at \$50 million for requiring up-front payment
15 to \$10 million for requiring up-front payment. Is that
16 your recommendation?

17 A. Yes. It is.

18 Q. And you've heard Mr. Park's testimony as to
19 the reasons why the Company did not agree with your
20 recommendation to lower the cost threshold from
21 \$50 million to \$10 million. Were you here and heard
22 that?

23 A. Yes. I believe he said that the \$10 million
24 threshold would increase the number of customers that
25 would fall into that category and require them to do a

1 lot more studies than the 50 million.

2 Q. Yeah. So referring to his testimony -- I
3 won't have you turn there in the interest of time.
4 Just -- if you could just take it on faith, he's
5 indicating that lowering it to \$10 million would
6 significantly broaden the number of projects subject to
7 the requirement, including many that are routine and
8 that would have minimal engineering costs associated
9 with them, that that can increase administrative
10 overhead and lengthen the overall project citing
11 process.

12 So those reasons that he gave -- they're not
13 adequate for you to -- to abandon, if you will, your
14 \$10 million threshold argument? Is there any merit to
15 his position there that -- that it should stay at
16 \$50 million?

17 A. Well, I -- I -- I think it's a reasonable
18 point. I would say that what we don't know is at
19 20 million, what -- what is that threshold cost? Maybe
20 it's not an instrumental, a large number of additional
21 routine accounts. So, you know, some -- the 50 between
22 50 and 10 million, that's a big gap. So if 10 million
23 is going to cause a lot of extra work on their part, you
24 know, maybe 20 million might be the right number.

25 Q. Okay.

1 A. I just don't know that information.

2 Q. You don't know whether -- it could be
3 \$50 million is an -- is an adequate number or not. It's
4 just there's a range you think in between ten -- or
5 currently proposed?

6 A. Yeah. A \$50 million cost of additional
7 facilities is -- is a huge number in my opinion.

8 Q. Yeah. Which would -- would typically require
9 significant up-front engineering costs associated with
10 it. That's what I think their position is.

11 A. Well, it's for the cost of the preliminary
12 engineering study.

13 Q. Right. Okay.

14 A. I don't think that's -- that's significant,
15 the study.

16 Q. Okay. For a \$50 million project, yeah. Okay.

17 A. Yeah.

18 Q. Okay. All right. I think I understand your
19 position. All right. You can be excused, Mr. Daniel.
20 Thank you very much.

21 A. Thank you.

22 PRESIDING OFFICER: Okay. We'll next move on
23 to the -- to Mr. Russell and -- I have Mr. -- I have
24 UAE's witness next; is that correct?

25 MR. RUSSELL: That's right. The Utah

1 Association of Energy Users calls Courtney Higgins.

2 PRESIDING OFFICER: Okay. Ms. Higgins. Thank
3 you. Will you raise your right arm to the square.

4 COURTNEY HIGGINS

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

7 PRESIDING OFFICER: Thank you. You may be
8 seated.

9 DIRECT EXAMINATION

10 BY MR. RUSSELL:

11 Q. Good afternoon. Could you state and spell
12 your name for the record, please.

13 A. Good afternoon. My name is Courtney M.
14 Higgins. That is C-o-u-r-t-n-e-y, middle initial M,
15 H-i-g-g-i-n-s.

16 Q. And can you tell us who you work for and in
17 what capacity?

18 A. Yes. I'm an associate principal at Energy
19 Strategies.

20 Q. And on whose behalf do you offer testimony in
21 this proceedings:

22 A. The Utah Association of Energy Users or UAE.

23 Q. Did you prepare and cause to be filed direct,
24 rebuttal, and surrebuttal testimony in this proceeding?

25 A. Yes.

1 Q. And let's go ahead and identify that. The
2 direct testimony I have as UAE Exhibit COS 2.0 with
3 exhibits -- UAE Exhibits COS 2.1 through 2.3, rebuttal
4 testimony labeled as UAE Exhibit COS 4.0 with UAE
5 Exhibit COS 4.1, and surrebuttal testimony labeled UAE
6 Exhibit COS 5.0 along with UAE Exhibit COS 5.1. And in
7 addition, you submitted rate case models with your
8 direct and rebuttal testimony; is that right?

9 A. Yes. That's right.

10 Q. Okay. And with respect to all of that
11 testimony, do you have any corrections to make?

12 A. Not at this time.

13 Q. And if asked the same questions today that
14 were posed in your prefiled testimony, would you provide
15 the same answers?

16 A. Yes. I would.

17 Q. Okay.

18 MR. RUSSELL: At this point, I will move for
19 the admission of Ms. Higgins' direct, rebuttal, and
20 surrebuttal testimony along with all the associated
21 exhibits and work papers?

22 PRESIDING OFFICER: Okay. Without objection,
23 we'll admit the direct, rebuttal, surrebuttal exhibits
24 and work papers.

25 (Courtney Higgins' prefiled testimony and

1 exhibits were admitted into evidence.)

2 MR. RUSSELL: Thank you, Mr. Chairman.

3 Q. (BY MR. RUSSELL) Ms. Higgins, have you
4 prepared a summary of your testimony for us today?

5 A. Yes. I have.

6 Q. Okay. Please proceed with that.

7 A. Good afternoon, Mr. Chair and commissioners.

8 I appreciate the opportunity to be here today on behalf
9 of UAE. My Phase II testimony offers several
10 recommendations to better align cost allocation with the
11 way the distribution system is designed and built. I
12 also address rate spread and rate design for
13 transportation service classes.

14 The first issue I wish to address concerns
15 both cost allocation and rate design for the
16 transportation bypass firm or TBF class. It also
17 affects the overall revenue deficiency, which is the
18 increase to current rates necessary to achieve the
19 revenue requirement in the Phase I settlement.

20 Enbridge is projecting significant load growth
21 for -- for a TBF customer during the 2026 test period.
22 Although forecasted test periods inherently present some
23 challenges, the way that Enbridge has reflected this
24 load growth creates a particular problem. This problem
25 occurs because there is a mismatch between the TBF cost

1 allocation inputs and billing determinates. The Company
2 allocates a full year of demand related cost to the TBF
3 class based on the higher level of firm demand expected
4 in the latter half of 2026. However, the TBF billing
5 determinates reflect five months of the pre-growth level
6 and seven months at the higher load level.

7 Allocating demand related costs based on the
8 higher demand level but designing rates using a hybrid
9 of the lower and higher load periods results in TBF
10 rates that are materially overstated. This would cause
11 all TBF customers to pay higher rates than justified
12 under the established TBF pricing framework, including
13 existing customers who are not associated with the
14 additional load.

15 My adjustment applies the higher TBF load to
16 each month of 2026, which increases the TBF billing
17 determinates for the January to May 2026 period. This
18 increases the adjusted TBF revenue at current rates,
19 thereby reducing the revenue deficiency.

20 Under the Phase I settlement, to which UAE is
21 a settling party, the total revenue requirement is
22 \$604 million. This corresponds to an increase of
23 \$62 million using Enbridge's billing determinates or
24 \$60.2 million incorporating my TBF adjustment, which is
25 a difference of \$1.8 million.

1 Phase II issues are not foreclosed by the
2 Phase I settlement, and I continue to recommend that my
3 TBF load adjustment be adopted in Phase II.

4 Correcting this mismatch will moderate the TBF
5 increase and help preserve the economic incentive for
6 existing TBF customers to remain on the Company's
7 distribution system. It will also modestly reduce the
8 costs allocated to the non-TBF classes. Absent this
9 adjustment, a portion of the benefit from the additional
10 TBF load will accrue to Enbridge during the interim
11 period between the 2026 test period and the next rate
12 case effective date.

13 In his -- excuse me -- in his rebuttal,
14 Mr. Summers raises revenue related concerns about my
15 adjustment, but he acknowledges that the magnitude of
16 TBF growth is significant and proposes to limit the TBF
17 increase to 1.5 times the system average. While I
18 continue to recommend adoption of my TBF load
19 adjustment, if the Commission declines to do so,
20 Mr. Summers' proposal to limit the TBF increase to 1.5
21 times the system average would be a reasonable
22 alternative, given the unique circumstances of this
23 case.

24 Beyond TBF, several familiar cost allocation
25 issues warrant the Commission's consideration. I'd like

1 to turn to Allocation Factor 230, which is the blended
2 factor used to allocate the feeder system, compressor
3 station, and measuring and regulating station costs.

4 As I'm sure we're all familiar, Allocation
5 Factor 230 incorporates both an average or throughput
6 component and a peak component. This is a method which
7 is often termed the average and peak method. Both UAE
8 and the Company have long recognized that design day
9 demand is the appropriate measure of demand related cost
10 responsibility, and I continue to support the use of
11 design day demand for this purpose.

12 I further recommend weighting the throughput
13 component by the system load factor, which is
14 34 percent, including the TBF adjustment I just
15 discussed. This results in a 66 percent design day,
16 34 percent throughput weighting. In his rebuttal
17 testimony, Mr. Summers acknowledged that UAE's proposal
18 has analytical merit, though he maintained the Company's
19 60 percent design day, 40 percent throughput approach.

20 I also recommended the allocation of large
21 diameter intermediate high pressure mains incorporate a
22 distribution design day component. The cost of large
23 diameter IHP mains are currently allocated solely based
24 on distribution throughput; however, this system is also
25 designed to meet design day demand, and it is

1 appropriate for this cost driver to be reflected in cost
2 allocation.

3 With respect to interest on past due accounts,
4 the Office's proposal to allocate this revenue based on
5 customer accounts should be rejected. Interest is
6 assessed as a percentage of arrearages and, therefore,
7 varies with the size of past due balances, not the
8 number of customers. Any change to this item should be
9 considered alongside the allocation of uncollectible
10 accounts, collection expense, and the bad debt gross up,
11 all of which are closely tied to bad debt incurrence,
12 not necessarily to customer counts.

13 In turning to rate spread, it would be
14 reasonable for the Commission to consider limiting class
15 increases to mitigate the impacts that certain classes
16 would otherwise experience. The refinements I propose
17 better reflect cost causation and reduce cost-based
18 increase for the transportation, TBF, and interruptible
19 sales classes. The case for moderation is even stronger
20 under Enbridge's cost of service study, which produces
21 higher increases for these classes. I would support the
22 Commission's consideration of rate moderation proposals
23 to temper these effects.

24 I don't oppose proposals by the Office, the
25 Division, and ANGC to limit or eliminate the natural gas

1 vehicle class subsidy. If any NGV subsidy is retained,
2 cost responsibility should be allocated based on
3 distribution non-gas revenue as the Company has done in
4 order to apply the cost of funding this subsidy
5 proportionately across the non-NGV classes.

6 Finally, on the subject of rate design, I
7 recommend that the Commission decline to adopt Nucor's
8 proposal to redesign TSL volumetric rates, which would
9 impose an undue burden on smaller TSL customers.

10 Throughout my testimony, I recommended that any
11 reduction to the proposed TS volumetric revenues
12 relative to the Company's original proposal be applied
13 on an equal percentage basis within each class.

14 I also recommend that the Commission decline
15 to adopt Nucor's rebuttal proposal to greatly increase
16 the TS firm demand charge. A demand charge increase of
17 the magnitude proposed would alter the economics of firm
18 service for transportation customers and could disrupt
19 the stability of this rate element.

20 That concludes my summary. Thank you.

21 Q. (BY MR. RUSSELL) Thank you, Ms. Higgins.
22 Before I make you available for cross-examination,
23 there's one point of clarification I want to make.

24 Mr. Summers, both in his surrebuttal testimony
25 and while he was on the stand today, made reference to

1 some assistance that you had provided with respect to
2 some modeling, some sort of broken formula with respect
3 to Enbridge's surrebuttal model or maybe its rebuttal
4 model.

5 Does your assistance on that matter indicate
6 your support for the allocation factors and other
7 positions that are reflected in that model?

8 A. Not entirely. So I -- I did point out that
9 there was a cell reference error in the Company's
10 rebuttal cost of service model, and that particular
11 error was resolved in Mr. Summers' surrebuttal model.

12 I would not want to give the impression that I
13 am endorsing all elements of the Company's surrebuttal
14 model. I provided my own version of the cost of service
15 model alongside my rebuttal testimony, and in that
16 model, I reflect a proxy group of adjustments to achieve
17 the settlement revenue requirement. It also reflects my
18 cost allocation and rate design proposals. There are
19 also switches in that model that can be toggled on and
20 off if the Commission wishes to explore those
21 alternatives.

22 Q. Okay. Thank you.

23 MR. RUSSELL: Ms. Higgins is available for
24 questioning.

25 PRESIDING OFFICER: Okay. Thank you,

1 Mr. Russell, and thank you, Ms. Higgins.

2 We'll turn to the Company for cross.

3 MS. BARRETT: We do have questions, Chairman.

4 PRESIDING OFFICER: Okay. Great.

5 CROSS-EXAMINATION

6 BY MS. BARRETT:

7 Q. Good afternoon, Ms. Higgins.

8 A. Good afternoon.

9 Q. We haven't met before. I'm Ronit Barrett, and
10 I'm here on behalf of Enbridge. It's nice to meet you.

11 A. You as well.

12 Q. So I would like to discuss -- can you hear me?
13 Am I close enough to the mike?

14 PRESIDING OFFICER: You're fine.

15 Q. (BY MS. BARRETT) I would like to discuss one
16 aspect of your recommendation to address projected load
17 in the TBF class. You are familiar with the concept of
18 a test period; correct?

19 A. Yes.

20 Q. Okay. And would you agree with me that the
21 test period in this case is an average 13-month forecast
22 for the period ending December 31, 2026?

23 A. I agree.

24 Q. Okay. And are you aware that in Utah, a
25 future test period cannot be based on projected data

1 exceeding 20 months from the date a proposed rate change
2 is filed?

3 A. I am familiar with that requirement.

4 Q. Okay. And EGU filed this rate change on May 1
5 of 2025; correct?

6 A. Yes.

7 Q. Okay. And no party has disputed that test
8 period?

9 A. Not to my knowledge.

10 Q. Okay. And so the farthest out data that the
11 Commission can consider in this case is December 2026;
12 correct?

13 A. I -- go ahead.

14 Q. Go ahead. No. Go ahead.

15 A. For the purpose of establishing the test
16 period, I agree that data beyond 2026 would not be part
17 of that test period.

18 Q. Okay. And do you agree with me that under
19 this future test period paradigm, to determine the
20 appropriate rate design, the utility must project things
21 like the load that it expects to serve?

22 A. I agree that load projections are part of a
23 future test period.

24 Q. Okay. And load does not always remain
25 constant throughout the test period; correct?

1 A. That's correct.

2 Q. Okay. One reason for this could be customer
3 growth, that is, anticipated new customers entering the
4 system; is that right?

5 A. Yes.

6 Q. And another reason for a change in load could
7 flip the other way and be an unexpected loss of load;
8 right?

9 A. Yes.

10 Q. For example, large industrial customers can
11 experience financial hardship that causes them to
12 curtail their use?

13 A. That could be the case. Quickly, when you
14 said an unexpected loss of load, by definition -- I
15 guess when -- when you say "unexpected," if it is
16 unexpected, it would likely not be included in a
17 forecast of the test period. So it would be, you know,
18 expected load changes might be included in such a
19 forecast.

20 Q. And unexpected ones would not?

21 A. Right.

22 Q. Okay. Some customers of EGU could even go
23 bankrupt; right?

24 A. Right.

25 Q. Are you aware of any of EGU's large industrial

1 customers that have filed for bankruptcy recently?

2 A. I am not personally familiar with that.

3 Q. Okay. So are you familiar with US Magnesium?

4 A. Yes.

5 Q. Okay. But you are not aware that they filed
6 for bankruptcy on September 25th of this year?

7 A. I will accept that that is likely the case
8 based on your presentation.

9 Q. Okay. So in this case, EGU has projected that
10 its TBF class load will increase over the course of the
11 test period; correct?

12 A. Right.

13 Q. And EGU has pinpointed the month where it
14 believes that load growth will occur for the first time;
15 correct?

16 A. Right. Which is June 2026.

17 Q. June. That was my next question.

18 And that's because EGU anticipates one large
19 load customer will come online in June 2026?

20 A. My understanding is that the customer is
21 currently connected but they are anticipating -- the
22 Company is anticipating that their load will grow
23 significantly during 2026.

24 Q. Yes. Thank you for that clarification.

25 But would you agree with me that it's not a

1 certainty that the customer will increase its load?

2 A. That is true. And like any forecasted test
3 period, there are elements of uncertainty.

4 Q. Okay. So the project could be abandoned or
5 canceled?

6 A. That's -- there is the possibility that that
7 could happen. I don't -- I can't speak to the facts of
8 that particular --

9 Q. Okay.

10 A. -- customer.

11 Q. But -- but the best available knowledge for
12 the test period in the -- at the time EGU filed this
13 case indicated that load will increase for the last
14 seven months of the year, June through December 2026?

15 A. That's right.

16 Q. Okay. And would you agree with me that no one
17 has offered any evidence that the project will come
18 online sooner than June 2026?

19 A. I agree.

20 Q. Okay. And would you agree with me that you
21 have not put any evidence in the record at all about
22 whether this project will still be contributing to load
23 outside the test period in 2027 and 2028?

24 A. Right. I have not put forth specific evidence
25 about the post-test year period. My expectation would

1 be, since the Company has decided to allocate
2 demand-related costs to the class as though that load
3 will be there -- in other words, bringing a full year of
4 demand-related costs to the TBF class, that if the
5 Company felt that load was going to disintegrate, that
6 would not be fair treatment for the TBF class. So I --
7 I feel that, based on the evidence we have in this case,
8 that that load is expected to materialize, and I don't
9 have a reason to believe that it will disappear.

10 Q. But the evidence that you just referred to
11 refers -- is the test period only, 2026; right? The
12 Company has not made any representations about 2027 or
13 2028?

14 A. Correct. I don't believe we have
15 representations about the post-test year period for that
16 or any other specific customer.

17 Q. Okay. And, in fact, considering data from the
18 post-test year period would fall outside that statutory
19 20-month period that we agreed on December 2026;
20 correct?

21 A. For the purpose of create -- you know,
22 creating the test period, I agree that looking beyond
23 that period would -- would, you know, over -- overreach
24 too far into the future; however, I do think that we
25 should be mindful about what the future implications of

1 the decisions that are made in this case are. And so
2 while it may not be within the strict confines of a test
3 period, we still need to be mindful about whether those
4 customer classes are being treated equitably, within the
5 confines of that test period.

6 And as -- I do think it is relevant to point
7 out that, you know, all -- based on the information we
8 have in this case, during that post-test year period,
9 Enbridge would benefit from that additional load, and
10 that is not included within the strict confines of the
11 test period, but it's informative, and that's why I -- I
12 brought up that fact.

13 Q. Okay. I'd like to show you Enbridge Cross
14 Exhibit 2.

15 A. Sure.

16 MS. BARRETT: May I approach --

17 PRESIDING OFFICER: You may.

18 MS. BARRETT: -- or may Ms. Mitchell approach?

19 Q. (BY MS. BARRETT) So what I've given you is a
20 copy of Utah Title 54, specifically Section 54-4-4,
21 Classification and fixing of rates after hearing. And
22 I'd like you to look at -- unfortunately, it spans the
23 page break, but if you go to (3), you'll see the (3) on
24 the bottom of the first page. And if you flip it over,
25 you'll see under that (b), and then a (i). Could you

1 read (b)(i) out loud, please.

2 A. Yes. "A future test period that is determined
3 on the basis of projected data not exceeding 20 months
4 from the date a proposed rate increase or decrease is
5 filed with the Commission" -- am I reading the right
6 section? It doesn't sound like the whole --

7 Q. You can start with (b). Sorry. Part of the
8 way I said it was a little confusing.

9 A. Okay.

10 Q. Start with (b) --

11 A. Yes.

12 Q. -- and continue through (i).

13 A. Okay. Let me back up.

14 "In establishing the test period determined in
15 subsection (3)(a), the Commission may use a future test
16 period that is determined on the basis of projected data
17 not exceeding 20 months from the date a proposed rate
18 increase or decrease is filed with the Commission under
19 Section 54-7-12."

20 Shall I continue?

21 Q. No, no. That's okay. So -- so this -- what
22 you just read says the Commission may use projected data
23 not exceeded 20 months -- not exceeding 20 months, but
24 your testimony today is you -- you hear that, you see
25 that, but you still want them to consider some data from

1 2027 and 2028?

2 A. No. I'm not asking for data from '27 or '28
3 to be considered within the test period.

4 Q. You're asking for the effects to be
5 considered?

6 A. I'm asking for a specific adjustment to be
7 applied to the January to May 2026 period in order to be
8 consistent with the Company's allocation of
9 demand-related costs to the TBF class, which is based on
10 an annualized or year-end demand level.

11 Q. Okay. So -- and let me just step back a
12 little. We talked about it a little bit when
13 Mr. Summers was on the stand, and you today, but I just
14 want to clarify what your position is and what his
15 position is.

16 So Mr. Summers recommends using the projected
17 load for 2026, and that means taking an average of the
18 five months preload growth and the seven months
19 post-load growth; correct?

20 A. That's -- so for the purpose of reflecting the
21 billing determinates in the TBF class rate design,
22 that's correct.

23 Q. Okay. And you proposed something different.
24 You proposed using the higher post-load growth
25 projections for every month in 2026; correct?

1 A. Correct.

2 Q. Okay. Even though we've established that no
3 one -- no one thinks the load is going to start before
4 June?

5 A. Right.

6 Q. Okay.

7 A. It's a matter of trying to maintain alignment
8 with the allocation of demand-related costs in order to
9 avoid a distortion where those costs are coming to the
10 class based on this single annualized end of year number
11 but then being recovered over a different set of billing
12 determinates.

13 Q. Okay. And in making that recommendation,
14 you're assuming that the load will continue through 2027
15 and 2028; correct?

16 A. I'm not making any specific assumption about
17 the load continuing beyond '27 -- beyond the test period
18 any more than I'm making that assumption about the load
19 in general for any class. I mean, we're working within
20 a test year construct, and so my -- my concern is -- is
21 limited to that for the period of -- of the -- you know,
22 for the purpose of establishing the test period.

23 Q. Okay. Could you turn to your surrebuttal,
24 which is UAE Exhibit 5 at page 13?

25 PRESIDING OFFICER: Can I interrupt for just a

1 second, Ms. Barrett?

2 MS. BARRETT: Yes.

3 PRESIDING OFFICER: I suppose we could take
4 judicial notice of this -- what you had her review is
5 just Section 54-4-4, but you referred to it as a cross
6 exhibit. Did you want to admit it as a cross exhibit?

7 MS. BARRETT: Just to have the record
8 complete, we might as well, yeah. So I would move for
9 admission of Cross Exhibit 2.

10 PRESIDING OFFICER: Okay. All right. Seeing
11 no objection, we'll admit that, which is really just
12 Section 54-4-4 of the Utah Code.

13 (EGU's Cross Exhibit 2 was admitted into
14 evidence.)

15 PRESIDING OFFICER: Thank you. Sorry for the
16 interruption.

17 MS. BARRETT: You're welcome. That's okay.

18 Q. (BY MS. BARRETT) So your surrebuttal,
19 Exhibit 5.0, starting at -- I'd just direct your
20 attention to page 13 and starting on line 234, and we're
21 going to go over to page 14, line 239. And you state,
22 "If the TBF load adjustment is not made, the incremental
23 revenues associated with a portion of the projected TBF
24 load growth will accrue to Enbridge between rate cases.
25 Since the Company's billing determinates capture only 7

1 out of 12 months at the higher TBF load level, Enbridge
2 would benefit for five months of unaccounted for revenue
3 growth in both 2027 and 2028, assuming approximately
4 three years between rate cases."

5 Have I read that correctly?

6 A. That's right.

7 Q. Okay. So you are essentially broadening the
8 test period to a 3-year period to include your
9 assumption about this one customer's future use?

10 A. I disagree.

11 Q. But doesn't part of the basis of your
12 recommendation necessarily consider outside -- data
13 outside the statutorily mandated 20-month period?

14 A. I am not relying on the effect that that
15 incremental growth may have on Enbridge's earnings
16 between rate cases as the basis for my recommendation.
17 It is really designed to ensure that the TBF class, and
18 really all classes, are treated equitably within this
19 case based on the 2026 test period.

20 Q. Okay. And let's say, arguendo, that the
21 Commission is allowed to look beyond the test period.
22 I'm not representing that they are. I don't think they
23 are, but I just want to explore that with you for a
24 little bit. Your recommendation to include the impacts
25 of this load or to look at -- to consider the impacts of

1 this load doesn't include asking the Commission to look
2 at any other elements that might have impacts in 2027
3 and 2028; correct?

4 A. I'm not proposing a broad application of a
5 2027 or 2028 projections, no.

6 Q. Okay. And you haven't taken into account any
7 reduced usage due to potential bankruptcies or other
8 reasons?

9 A. No.

10 Q. Okay. You have picked one large customer with
11 increasing volumes in 2026 and extrapolated that to 2027
12 and 2028 without updating any other forecast
13 information; isn't that right?

14 A. To be clear, I didn't pick this customer. I
15 observed that there was an anomaly in the Company's rate
16 case -- in their rate case model in their cost of
17 service model that bared further explanation. And when
18 I asked about that, the Company explained to me that it
19 was based on a single customer whose load was expected
20 to grow and that that was driving the increased cost
21 allocation to TBF. And so I am responding to that data
22 with my recommendation.

23 Q. Okay. And do you agree with me that one
24 purpose of requiring a test period in ratemaking is to
25 make sure that no cherry-picking occurs?

1 A. I agree that it -- I agree that a test period
2 should generally reflect an alignment between revenues
3 and expenses and rate base and cost allocation inputs.

4 Cherry-picking is -- I mean, I guess parties
5 could argue that any particular item that another party
6 brings up is cherry-picking if they do not think it is
7 significant. So I don't see this as cherry-picking. I
8 see this as responding to material load growth that is
9 affecting cost allocation and something that I could not
10 ignore.

11 Q. So I think we agree, though, that in a test
12 period, part of the purpose of it is that all of the
13 relevant information for that period is considered and
14 that it's not just the most harmful or just the most
15 beneficial items?

16 A. I agree that the test period should be looked
17 at holistically, including all relevant elements.

18 Q. Okay. You refer to your recommended treatment
19 for the TBF billing determinates as, quote, "year-end
20 treatment," close quote, and you testify that this
21 year-end treatment is atypical, that it should not be
22 applied to other elements of this case; is that correct?

23 A. It is year-end treatment in that it matches
24 the Company's year-end treatment of demand. And so, you
25 know, gas cases can be sort of unusual in that they

1 depart from how electric utilities, for example, often
2 allocate costs. They may look at loads throughout the
3 year for the purpose of determining demand-related
4 costs.

5 The design day is a singular day, and because
6 of that unique importance of that singular day and the
7 fact that this -- this load is occurring in the latter
8 half of the year, I felt it was reasonable to align the
9 billing determinates and those costs to allocation
10 inputs.

11 Q. Okay. And I'd like to draw your attention to
12 your direct testimony. That's UAE 2.0 at page 16, lines
13 266 to 271, and in response to the question that reads,
14 "In proposing your TBF load adjustment, are you
15 advocating that 2026 year-end treatment be applied to
16 the other elements of this case?"

17 And you respond, "No." And then you continue
18 to say, "My adjustment is narrowly tailored to reflect
19 the TBF load growth anticipated to occur mid-2026 to
20 ensure internally consistency between the TBF cost
21 allocation inputs and billing determinates. It should
22 not be interpreted as a proposal to broadly apply 2026
23 year-end treatment to any other aspects of this case."

24 Did I read that correctly?

25 A. Yes.

1 Q. Okay. I'd like to just briefly move onto one
2 other issue related to this topic of TBF billing
3 determinates.

4 Were you listening remotely this morning when
5 EGU witness Mr. Summers testified?

6 A. Yes.

7 Q. Okay. And do you remember the line of
8 questioning that your attorney Mr. Russell asked about
9 the two compromise alternatives to EGU's proposed TBF
10 billing determinates?

11 A. Yes. I did listen in to that portion of
12 testimony earlier.

13 Q. Okay. And one of the alternatives was a step
14 rate increase; correct?

15 A. Yes. I did offer that as an -- an alternative
16 to the alternatives in my direct testimony if my primary
17 proposal were not adopted.

18 Q. Okay. And the other was a mitigation of the
19 rate increase to the TBF class by limiting the increase
20 to 1.5 times the system average increase; correct?

21 A. So in my direct testimony, I offered a couple
22 of alternatives that were based on cost allocation.
23 Those alternatives were either to allocate
24 demand-related costs to TBF based on the average firm
25 demand for over the course of the 2026 test period. The

1 other alternative was to pull out this load growth
2 entirely.

3 And then in response to the Company's rebuttal
4 testimony, Mr. Summers' rebuttal testimony, where he
5 proposed moderating that increase to 1.5 times the
6 system average, I -- I agreed that that would be a
7 reasonable alternative as well.

8 Q. Okay. And so -- and this question is directed
9 at the testimony from this morning and the two
10 alternatives that were discussed there, which is the
11 step rate increase and the mitigation of 1 to 1.5 times.
12 In your opinion, are both of those alternatives
13 acceptable compromises to this disputed issue?

14 A. There is some -- there is an administrative
15 advantage to implementing this as a moderated rate
16 increase to TBF as opposed to a step or phased in
17 increase. I know that that can be inconvenient for
18 customers to be experiencing multiple rate changes.

19 And, admittedly, this -- this alternative was
20 not fully developed in the record since it didn't really
21 gain much traction in rebuttal or surrebuttal. So I
22 would say that, as an alternative to the Company's
23 direct proposal, it would be preferable to have a phased
24 in approach. However, I -- I believe the administrative
25 simplicity of simply moderating increase for this class

1 would be preferable if my primary proposal is not
2 approved.

3 Q. Okay. And just -- I'm realizing that I just
4 started talking about the step rate increase without
5 sort of explaining what it is, which it would be two
6 different rates throughout the year; right? A first
7 rate at the load level from -- for the first five months
8 of the year and then a second rate for the seven months
9 of the year so it matches the projection exactly; right?

10 A. That's right. And I -- I think in order to
11 implement that correctly, it would actually involve
12 changing rates for all classes, both in that first phase
13 and then in that second phase, because what would happen
14 is that the -- the billing determinates associated with
15 that load growth and the cost allocation inputs
16 associated with that load growth would have to get
17 pulled out of that step one, and then we'd have step two
18 where those are brought in and so it has implications
19 beyond the TBF classes.

20 Q. Okay. Thank you. I have no further questions
21 at this time.

22 PRESIDING OFFICER: Thank you, Ms. Barrett.

23 Let's turn to the Division. Any questions?

24 MS. SCHMID: No questions.

25 PRESIDING OFFICER: Mr. Snarr, the Office.

1 MR. SNARR: We have some questions.

2 As a preliminary matter, I was advised by my
3 client that we have a public hearing scheduled.

4 PRESIDING OFFICER: Yes. So let's talk about
5 that for a second. I don't think we're going to get
6 done tonight. It's pretty obvious that we got three
7 more witnesses. We have noticed a public notice of a
8 public witness hearing that will commence at
9 6:00 o'clock. So we probably need to -- you know, we'll
10 finish with this witness, and then we'll have to be
11 through for the day.

12 We'll probably need to -- you know, we'll
13 commence that hearing at 6:00 o'clock. Maybe nobody
14 will show up. I don't know. Is there anybody here yet
15 that intends to participate in the public hearing? I
16 think I recognize most of you. So you're here as staff
17 and employees.

18 So by the notice, we need to be -- we'll keep
19 that public witness time open until 6:30. I don't
20 suspect anybody wants to continue after 6:30. So
21 we'll -- we'll reconvene in the morning at 9:00 o'clock
22 if that's -- I think that's what we scheduled.

23 MR. SNARR: It would probably to be
24 appropriate to have, if not a potty break, a snack break
25 before the 6:00 o'clock hour.

1 PRESIDING OFFICER: Yeah. We're going to --
2 we're going to stop a quarter to 6:00. So if you got
3 questions and can do it in that time frame --

4 MR. SNARR: I'll do my best.

5 PRESIDING OFFICER: We'll let Ms. Higgins come
6 back tomorrow, but can't tell. Okay. But just go
7 ahead, Mr. Snarr.

8 MR. SNARR: Thank you.

9 CROSS-EXAMINATION

10 BY MR. SNARR:

11 Q. Good afternoon, or good after evening in this
12 case it may be.

13 A. Good evening.

14 Q. You represent the interests of Utah
15 Association of Energy Users; is that correct?

16 A. Yes.

17 Q. And in the testimonies you have filed in this
18 proceeding, you've raised some questions about
19 Enbridge's cost classification methodology and the
20 allocation of costs to Enbridge's various rate classes;
21 isn't that correct?

22 A. Yes.

23 Q. In your direct testimony at pages 16 and 17,
24 you explain that you disagree with Enbridge's use of the
25 weighting factor of 60 percent and 40 percent as the

1 allocation factor 230; is that right?

2 A. Yes.

3 Q. And you suggest that the throughput portion of
4 that allocation factor should not exceed the system load
5 factor; correct?

6 A. Correct.

7 Q. And you also acknowledge that Enbridge's use
8 of the allocation factor is consistent with the prior
9 Commission order 22-057-03; is that right?

10 A. Yes.

11 MR. SNARR: I would like to look at that order
12 in just a little more detail on the allocation issues.
13 I do have copies of that order that I can share. I
14 think we can take judicial notice of it.

15 PRESIDING OFFICER: Yeah.

16 MR. SNARR: But I'd like to use it as an
17 exhibit here.

18 PRESIDING OFFICER: Yeah, that's fine. Let's
19 pass it out. It's in the record. It's available to
20 anybody who wants to look at it. We don't need to have
21 it admitted. If you want to, we can, but it's not
22 necessary.

23 MR. SNARR: For convenience, I've highlighted
24 a couple areas that I'll ask the witness to zero in on.

25 PRESIDING OFFICER: Are they highlighted on

1 all the copies too?

2 MR. SNARR: Yes.

3 MR. MOORE: May I approach?

4 PRESIDING OFFICER: Yes. We can take judicial
5 notice it's already in the record. I think that's what
6 Mr. Snarr prefers. You don't want to make it an
7 exhibit?

8 MR. SNARR: I'm happy to have it be just
9 judicial notice.

10 PRESIDING OFFICER: Okay.

11 MR. SNARR: Use this just as a tool to bring
12 out the testimony.

13 PRESIDING OFFICER: That's fine. That's what
14 we'll do.

15 Q. (BY MR. SNARR) Can I have you turn to
16 page 36, please, of that order. I'd like you to read
17 the highlighted portion there. I believe that's the
18 part of that order that pertains to the 60/40 allocation
19 factor?

20 A. "Based on the lack of consensus among the
21 parties, we find the 60 percent/40 percent weighting is
22 consistent with the weightings in prior DEU general rate
23 case applications and addresses the need for facilities
24 subject to the F230 factor to fulfill two functions,
25 including meeting design day requirements and, two,

1 moving gas to all customers 365 days per year. We find
2 this ratio also recognizes the diversity of use of the
3 system by all customer groups. Recognizing the
4 inherently subjective nature of this factor, we find it
5 reasonable to continue to use the 60 percent/40 percent
6 ratio that we have approved in previous rate cases."

7 Q. Thank you. You have also proposed a change in
8 the way Enbridge allocates costs associated with large
9 diameter high pressure mains; isn't that correct?

10 A. Large diameter intermediate high pressure
11 mains, yes.

12 Q. Okay. Would you refer to page 39 of that same
13 document, please, and I have some lines highlighted
14 there. Would you please read that?

15 A. "We have approved DEU's use of the
16 distribution throughput factor for large diameter mains
17 in previous rate cases. In evaluating that method
18 against the methods proposed by UAE, Nucor, and FEA, we
19 do not find any empirical advantages to the
20 alternatives. They simply shift costs to the advantage
21 and/or disadvantage of specific classes without a
22 meaningful rationale."

23 Q. All right. Thank you. Now I have another
24 area I'd like to focus on, and I need to have you refer
25 to the Phase II rebuttal testimony of Austin Summers,

1 the Enbridge witness. I'm wondering if Enbridge has
2 that available real quick.

3 MS. MITCHELL: Just give us a moment, please.
4 Thank you.

5 MS. BARRETT: Was that rebuttal or
6 surrebuttal?

7 MR. SNARR: Rebuttal testimony.

8 MS. NELSON CLARK: May I approach?

9 PRESIDING OFFICER: You may approach.

10 MR. SNARR: Thank you for providing that.

11 Q. (BY MR. SNARR) Now, at page 5 of Mr. Summers'
12 testimony, actually pages 5 and 6, he presents charts
13 representing that they would -- that the charts show the
14 revenue requirement of Phase I Settlement Stipulation
15 and showing a comparison of the resulting increases or
16 decreases that would occur if the Company were to
17 utilize, for example, the middle of the page UAE
18 suggested allocation methodology; is that right?

19 A. I see that.

20 Q. Okay. And at the top of the page, there's a
21 chart that presents what Enbridge's allocation
22 methodology produce; right?

23 A. Yes.

24 Q. And as we look at the two, I just have a
25 question, would it be correct that utilizing the

1 allocation methodology you suggest, if we zero in on the
2 GS customer class, that that would shift an approximate
3 \$2.9 million increase to the GS customer class when
4 utilizing your approach to the allocation compared to
5 Enbridge's?

6 A. If I may, I'd like to refer to my own exhibit,
7 just because I'm more comfortable with what is in there.

8 Q. Okay.

9 A. So in my rebuttal testimony, I provide an
10 Exhibit UAE 4.1, and I'll give everyone a moment if they
11 have access to that. If not, I'll just describe what --
12 what I see.

13 PRESIDING OFFICER: Just repeat where we're
14 supposed to be looking in your rebuttal testimony.

15 THE WITNESS: Oh, yes. So this is UAE Exhibit
16 COS 4.1. And if we look at page 2 of that exhibit, this
17 is a version of the cost of service results that
18 reflects a proxy set of adjustments to get to the
19 stipulated revenue requirement, and it also provides the
20 incremental impact of moving to -- of my various costs
21 to allocation proposals.

22 And so table five is the incremental impact of
23 allocation factor 230, and I estimate that that results
24 in a \$2.7 million increase to GS -- the GS class, which
25 is approximately .56 percent. This is after -- after

1 reflecting the -- the discount, the TBF discount. So
2 that is in column F of that table.

3 Q. (BY MR. SNARR) So looking at what you've done
4 there and comparing to what is in the testimony of
5 Mr. Summers, we're talking about a ballpark of 2.7 to
6 2.9 million shift towards the GS customer class?

7 A. That looks approximately correct.

8 Q. All right. Thank you. Just another question.
9 I'm kind of jumping here.

10 Are you aware that there's a Utah statute that
11 requires the Commission to adhere to its past practices
12 unless an agency justifies the inconsistency by giving
13 facts and reasons that demonstrate a fair and rationale
14 basis for any inconsistency they would embrace in a new
15 order?

16 A. I am not familiar with that specific statute.
17 However, I -- that sounds -- that sounds plausible, and
18 I do feel that I've provided such evidence in this case.

19 Q. Okay. That is all the questions I have.

20 PRESIDING OFFICER: Okay. Thank you,
21 Mr. Snarr.

22 Let's turn to Mr. Cook. Do you have
23 questions?

24 MR. COOK: No questions.

25 PRESIDING OFFICER: Mr. Davidson.

1 MR. DAVIDSON: I have just one question,
2 Mr. Chairman.

3 PRESIDING OFFICER: Okay.

4 CROSS-EXAMINATION

5 BY MR. DAVIDSON:

6 Q. And just to set the stage, Ms. Higgins, you
7 had a lengthy conversation with Enbridge counsel about a
8 new load coming on mid-year next year. And would it be
9 reasonable to assume that the new TBF customer that you
10 discussed would be required to sign a contract to
11 establish contract demands for that increased load
12 that's being anticipated?

13 A. Yes. I believe that to take service under the
14 TBF schedule -- that they would need to sign a contract
15 for firm contract in hand.

16 Q. Would it be reasonable to assume that contract
17 would extend beyond 2026?

18 A. Well, I'm not familiar with the specific terms
19 of such contract for that customer. In general, they
20 are at least one year in duration.

21 MR. DAVIDSON: Okay. That's all I have,
22 Mr. Chairman. Thank you.

23 PRESIDING OFFICER: Okay. Thank you.

24 Let's turn to Major Newton.

25 MAJOR NEWTON: I have no questions,

1 Commissioner.

2 PRESIDING OFFICER: Okay. We'll turn to
3 Mr. Russell for any redirect.

4 MR. RUSSELL: Yes. Thank you.

5 REDIRECT EXAMINATION

6 BY MR. RUSSELL:

7 Q. Ms. Higgins, I'm going to ask some follow-up
8 questions related to the discussion you were having with
9 Enbridge's counsel.

10 Do you still have -- put those back on. Do
11 you still have EGU Hearing Exhibit 2? It was that
12 two-page exhibit with reference to Section 54-4-4 of
13 Utah Code.

14 A. Yes.

15 Q. Enbridge's counsel directed you to
16 subparagraph (b). I'm going to ask before we -- before
17 we dive into this -- in connection with your TBF load
18 adjustment, are you advocating that the Commission use a
19 test period that is different than the 2026 calendar
20 year.

21 A. No, I'm not.

22 Q. Okay. If I could get you to read subparagraph
23 (a), which is the one before you started -- could you do
24 that for me?

25 A. "If in the Commission's determination of just

1 and reasonable rates the Commission uses a test period,
2 the Commission shall select a test period that, on the
3 basis of evidence, Commission finds best reflects the
4 conditions that a public utility will encounter during
5 the period when the rates determined by the Commission
6 will be in effect."

7 Q. Okay. So that subsection is dealing with, if
8 you're going to use a test period, you should use one
9 that reflects what the public utility will encounter
10 when rates are going to be in effect. And then
11 subparagraph (b) says in establishing the test period
12 determined in Subsection (3)(a), here's what the
13 Commission may look at.

14 Is that -- is that your understanding?

15 A. Yes.

16 Q. Okay. And then subsection little (i) is, as
17 you had discussed with Enbridge's counsel, when you're
18 using a future test period, you're -- you know, you can
19 only use projected data not exceeding the 20 months;
20 right?

21 A. Right.

22 Q. Okay. So going back to my initial question
23 about this. This series of subparagraphs is relevant to
24 the question of what is the correct test period, and
25 you've said, I think, that your proposal on this doesn't

1 seek to change the test period; is that -- is that -- is
2 that accurate?

3 A. That's right. My adjustment is to the May --
4 excuse me -- January to May months of the 2026 test
5 period.

6 Q. Okay. I think that's all I have. Thank you.

7 PRESIDING OFFICER: Okay. Because of what
8 Mr. Russell raised, we'll see if the Company has any
9 recross.

10 MS. BARRETT: No.

11 PRESIDING OFFICER: No?

12 MS. BARRETT: No. Thank you.

13 PRESIDING OFFICER: Okay. Thank you. We'll
14 turn to the Commission then.

15 COMMISSIONER CLARK: Thank you. I don't have
16 any questions.

17 PRESIDING OFFICER: Commissioner Harvey.

18 COMMISSIONER HARVEY: I think the various
19 counsels have covered what I was going to cover. So I
20 don't have any questions.

21 PRESIDING OFFICER: Okay. Great. I don't
22 have any questions either, Ms. Higgins. You can step
23 down. Thank you very much for being here late in the
24 day.

25 THE WITNESS: Thank you for accommodating me.

1 PRESIDING OFFICER: You're welcome.

2 Okay. It is what it is. I think we're going
3 to have to have the last three witnesses come back.
4 Unfortunately two of them have been allowed to appear
5 remotely.

6 We may have nobody who will show up here, but
7 I -- we're going to break now. Those who want to leave
8 and not stay for the public witness hearing, they don't
9 have to stay. That's optional on your part as counsel.
10 I suspect, based upon past hearings, that we'll have
11 representation here from EGU and perhaps others, but
12 we'll go ahead and adjourn for the evening on the
13 hearing -- on the merits, and we will reconvene here at
14 6:00 p.m. for any who would like to come back and see if
15 we have anybody show up who wants to testify. Okay?

16 We'll start -- is that acceptable starting at
17 9:00 tomorrow?

18 MS. MITCHELL: Yes.

19 PRESIDING OFFICER: Okay. All right. We'll
20 start at 9:00 tomorrow. Thank you everybody for your
21 courtesy to each other and for helping move this along.
22 We're in recess.

23 (This hearing was concluded at
24 5:41 p.m. MT.)

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STATE OF UTAH)

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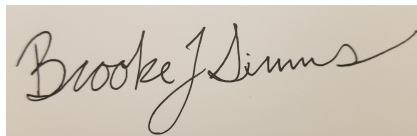
COUNTY OF UTAH)

I, BROOKE SIMMS, an Idaho Certified Shorthand Reporter, Utah State Certified Court Reporter, and Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such oral proceedings had, and of the whole thereof.

I further certify that I am not a relative or employee of an attorney or party, nor am I financially interested in the action.

I have subscribed my name on this 21st day of November, 2025.



Brooke Simms, RPR, CCR, CSR
Idaho CSR No. 1174
Utah CCR No. 12335391-780

[& - 17]

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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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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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