

DAYN HARDIE  
DEPUTY ATTORNEY GENERAL  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0312  
IDAHO BAR NO. 9917

Street Address for Express Mail:  
11331 W CHINDEN BLVD, BLDG 8, SUITE 201-A  
BOISE, ID 83714

Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF INTERMOUNTAIN</b>	)	
<b>GAS COMPANY’S PETITION TO</b>	)	<b>CASE NO. INT-G-24-02</b>
<b>TERMINATE THE SETTLEMENT</b>	)	
<b>AGREEMENT IN CASE NO. INT-G-22-01</b>	)	
	)	<b>COMMENTS OF THE</b>
	)	<b>COMMISSION STAFF</b>
	)	

---

**COMMISSION STAFF (“STAFF”)** OF the Idaho Public Utilities Commission, by and through its Attorney of record, Dayn Hardie, Deputy Attorney General, submits the following comments.

**BACKGROUND**

In early 2022, the Commission received a complaint from a person previously employed by Intermountain Gas Company (“Company”) who claimed he had performed tasks he was unqualified for. Later investigation and self-reporting by the Company uncovered that almost 1,900 work orders were issued and performed by unqualified operators. Staff filed a complaint asking the Commission to issue penalties against the Company for the maximum amount allowed by Idaho Code § 61-712A for the reported safety violations.

The Company and Staff reached a settlement to resolve the potential penalties requested by Staff. The Settlement was approved by the Commission on August 5, 2022, in Order No.

35492.<sup>1</sup> The Settlement proposed 11 Action Items the Company must complete to curb the safety concerns raised by Staff, with each item being designed to help the Company increase supervision and control over personnel (“Settlement”). The Settlement also required quarterly audits and accompanying reports of the service orders completed by qualified individuals.

On April 19, 2024, the Company petitioned the Commission to: (1) Fully terminate the settlement entered between it and Commission Staff (“Staff”); and (2) Acknowledge that the proposed penalties held in abeyance in that Case are waived (“Petition”). The Company requested its Petition be processed by Modified Procedure.

The Company represents that it completed each of the Action Items required under the Settlement and has audited its implementation and provided the corresponding reports to Staff since the Settlement was approved in August 2022. The Company reports that it met the Settlement’s requirement to complete at least two consecutive quarters of zero safety violations reported prior to seeking termination of the Settlement.

## **STAFF ANALYSIS**

Staff reviewed the Company’s Application, the Settlement, quarterly audit reports, and Commission witness Maria Barratt-Riley’s Affidavit. Staff believes the Company has complied with the terms of the Settlement and recommends the Commission terminate the Settlement and waive the proposed penalties.

### **Overview of the Settlement**

The Settlement provided the Company with 11 Action Items to complete before the Settlement could be terminated and the fees waived. These Action Items were designed to increase supervision and control over the qualification of Service Technicians and Service Technician Apprentices. The 11 Actions Items the Company was required to comply with and meet were: (1) evaluate and decide which department will be responsible for Operator Qualifications; (2) align the requirements of each Covered Task to coincide with Service Technician and Service Technician Apprentice work orders and conduct and file quarterly audits; (3) update, maintain, and provide annual training to Company supervisors, focusing on Covered

---

<sup>1</sup> No penalties were imposed by the Commission in Case No. INT-G-22-01, but the Settlement contemplated abeyance of penalties advocated for by Staff while the terms of the Settlement were operative.

Tasks; (4) further define “Expired” and establish procedures for supervisors to follow if a Company employee has expired qualifications; (5) establish an annual Operator Qualification and OPS procedure calendar for supervisor reference and support; (6) establish a firm deadline for Performance Evaluations to be completed once Computer Based Training/Classroom training has been completed; (7) pursue additional hierarchical review of Operator Qualifications; (8) develop and review Energy WorldNet Computer Based Training modules and incorporate with MDU Utilities Group trainings modeled after OPS Procedures; (9) review MDU Utilities Group training for newly hired Employees who perform Covered Tasks; (10) review and re-write OPS 800 - Operator Qualification Plan to incorporate the above recommendations; and (11) training provided will identify the avenues for reporting concerns regarding operator qualifications.

The Settlement contemplated termination occurring in one of three ways: (1) completion of all Action Items and final approval by the Commission; (2) upon stipulation of Staff and the Company approved by the Commission; or (3) upon approval by the Commission of a petition filed by the Company.

### **Compliance with Settlement Agreement**

In compliance with Settlement Action Item No. 2, the Company submitted the results of ten quarterly audits. Between June 23, 2021, and June 30, 2022, the Company found that there were 592 work orders completed by non-qualified Service Technicians. Between July 1, 2022, and September 30, 2022, there were initially 48 work orders reported completed by non-qualified Service Technicians. However, the Company followed up with an email on November 4, 2022, stating that it had incorrectly identified 29 work orders, with only 19 work orders actually completed by non-qualified Service Technicians. For six consecutive quarters from October 2022 through March 2024, the Company reported zero work orders completed by non-qualified Service Technicians.

As shown in Barratt-Riley’s Affidavit, the Commission’s Pipeline Safety Staff reviewed the quarterly reports and performed audits in the field. The field audits confirmed Covered Tasks were being completed with qualified Service Technicians. During the associated timeframe of the Settlement, Pipeline Safety Staff did not find any instances of non-qualified personnel performing Covered Tasks. Additionally in 2023, Pipeline Safety Staff attended two

Operational Qualification trainings held by the Company in Boise and Pocatello, in which there were no violations.

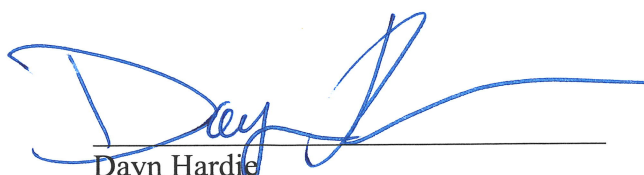
The Company also complied with the other ten Action Items. In 2022, the Company sent letters to the Commission showing it had completed these Action Items. The Company provided the reports confirming completion of the Action Items on or before the required deadlines anticipated in the Settlement. These reports showed that the Company updated their processes to align with the Action Items and increased supervision and control over the qualifications of Service Technicians and Service Technician Apprentices.

The Company submitted reports for more than two consecutive quarters with zero violations related to the qualifications of Service Technicians and completed the 11 Action Items from the Settlement; therefore, Staff recommends the Commission terminate the Settlement and waive any proposed penalties on the Company.

#### **STAFF RECOMMENDATION**

Staff recommends the Commission issue an Order to terminate the Settlement and waive the proposed penalties.

Respectfully submitted this 26th day of June 2024.



---

Dayn Hardie  
Deputy Attorney General

Technical Staff: Kimberly Loskot  
Laura Conilogue

I:\Utility\UMISC\COMMENTS\INT-G-24-02 Comments.docx

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 26<sup>th</sup> DAY OF JUNE 2024,  
SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE  
NO. INT-G-24-02, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

LORI BLATTNER  
DIR – REGULATORY AFFAIRS  
INTERMOUNTAIN GAS CO  
PO BOX 7608  
BOISE ID 83707  
E-MAIL: [lori.blattner@intgas.com](mailto:lori.blattner@intgas.com)

PRESTON N CARTER  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
BOISE ID 83702  
E-MAIL: [prestoncarter@givenspursley.com](mailto:prestoncarter@givenspursley.com)  
[stephaniew@givenspursley.com](mailto:stephaniew@givenspursley.com)



---

PATRICIA JORDAN