Exhibit VGS-AG-082

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-3550-INV

Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the alleged failure of Vermont Gas Systems, Inc. to comply with the certificate of public good in Docket 7970 by burying the pipeline at less than required depth in New Haven, Vermont	

REBUTTAL TESTIMONY OF JOHN ST. HILAIRE ON BEHALF OF VERMONT GAS SYSTEMS, INC.

July 31, 2020

Summary of Testimony

Mr. St. Hilaire responds to several allegations in the direct testimony of Intervenor witnesses. He describes his experience on the Clay Plains Swamp site visit with Mr. Byrd and Mr. Shelton, the measurements taken during that visit, and the safety and integrity of the pipeline in the Clay Plains Swamp. He also describes the inspection process on the ANGP and explains why Ms. Palmer's summary of the inspection reports reaches conclusions that are inconsistent with the actual inspection practice on the ANGP. He also rebuts claims asserted by Mr. Liebert about the professional engineers on the ANGP, and Dr. Smolker's claims about VGS's role during Mr. Byrd's investigation. Finally, he responds to Mr. Shelton's and Mr. Palmer's specific allegation that the depth of cover and construction is a substantial change under Rule 5.408. In particular, Mr. St. Hilaire discusses the factual background relating to that question and explains why the changes in depth are immaterial to the safety and integrity of the pipeline in the Clay Plains Swamp.

EXHIBIT LIST

Exhibit VGS-JSH-6 (Aerial View of the Clay Plains Swamp)
Exhibit VGS-JSH-7 (Aerial View of ANGP in New Haven Location)
Exhibit VGS-JSH-8 (Correspondence Regarding the Loading Standard)
Exhibit VGS-JSH-9 (VELCO Correspondence)

REBUTTAL TESTIMONY OF
JOHN ST. HILAIRE
ON BEHALF OF VERMONT GAS SYSTEMS, INC.

Q1. What is your name, occupation, and business address?

A1. My name is John St. Hilaire. I am the Vice President of Operations at Vermont Gas Systems, Inc. ("VGS" or the "Company"), at 85 Swift Street, South Burlington, Vermont.

Q2. Have you provided testimony in this case previously?

A2. Yes. I provided direct testimony dated July 10, 2020.

Q3. What is the purpose of your rebuttal testimony?

A3. Several witnesses have submitted testimony on behalf of the Intervenors and in many instances have misconstrued or misunderstood facts about the burial of the pipeline in the Clay Plains Swamp and other construction and documentation issues. The purpose of my testimony is to provide evidence to rebut these various allegations. I have organized my testimony in the following manner.

First, I address concerns articulated about the Clay Plains Swamp construction.[1] This includes a description of my experience in the Clay Plains Swamp; the site visit I attended in August 2019 with Mr. Shelton and Mr. Byrd; the measurements taken during the site visits; the construction methods used by our contractor in that area; the accuracy of my certification

[1] The Red Maple/Green Ash Swamp, which has become known as the Clay Plains Swamp, is in New Haven, and the area of this swamp where construction occurred is approximately 2,600 feet long. It is the area from station 1640+00 to station 1666+00.

regarding the initial depths; and our assessment of the safety and integrity of the pipeline in the swamp.

Second, I respond to Ms. Palmer's assertions, which she provided in the form of a summary of inspection reports. I believe Ms. Palmer has not accurately characterized the meaning of those reports, so I describe how the inspection of the Addison Natural Gas Pipeline ("ANGP" or "Project") was actually performed.

Third, I respond to claims regarding the ANGP engineers. In particular, I explain why Mr. Liebert's allegations are incorrect, and why I am confident that CHA's engineering on the ANGP was appropriately overseen by Vermont-licensed professional engineers.

Fourth, I discuss my experience with Mr. Byrd's investigation, including how we responded to Mr. Byrd's inquiries during that process.

Finally, I address the specific allegations by Mr. Palmer and Mr. Shelton regarding alleged changes to the Project. Their assertion that construction in the Clay Plains Swamp must be a substantial change under PUC Rule 5.408 is ultimately a question for the Public Utility Commission (the "Commission") to decide, however, I provide my perspective on an important factual component of that question depth of cover over the pipeline is a safety and pipeline integrity concern, and therefore, we have assessed the extent to which the depth of cover has the potential to impact safety and integrity. For the reasons set forth below, I am confident that the safety and integrity of the pipeline in the swamp has not materially changed based on actual construction. Accordingly, I remain confident that construction in the swamp did not impact safety and should not be considered a substantial change.

Clay Plains Swamp Construction & Investigation

Q4. Did you attend the site visits to the Clay Plains Swamp in 2019 described by Mr. Shelton?

A4. Yes, I attended the August 2019 site visit discussed in Mr. Shelton's testimony. The so-called "Clay Plains Swamp" is located in New Haven. To help the Commission orient itself to this location, I've included a bird's eye view image as **Exhibit VGS-JSH-6**. The north and south ends of the Clay Plains Swamp are identified. The road at the top of the image is Parks-Hurlburt Road. To access the location in the Clay Plains Swamp where measurements were taken, we parked at the intersection of that road and the ANGP ROW, and walked about a mile south to the north end of the Clay Plains Swamp. We walked because there are no access roads into the Clay Plains Swamp.

Q5. Do you agree with Mr. Shelton's description of the 2019 site visit to the Clay Plains Swamp?

A5. No. Mr. Shelton mischaracterizes important facts and events during the site visit. For example, Mr. Shelton criticizes Mr. Byrd for being concerned about the safety of site-visit participants as if it were a pretext for excluding Intervenors from participation. This is unfair. Mr. Byrd demonstrated proactive concern about participant safety, knowing that the participants in all site visits could be exposed to a variety of workplace safety issues, including slips, trips, falls, traffic hazards, walking an electric transmission corridor, exposure to poison ivy and wild parsnip, ticks, hot weather, and physical exhaustion. Each day appropriately began with safety overviews attended by all participants, including Intervenors. All participants had or were

provided appropriate Personal Protective Equipment (PPE) including hard hats, high visibility safety vests, and safety glasses. In my experience, during Mr. Byrd's June 2019 site visits, some participants struggled with the walking and the summer heat. The subsequent Clay Plains Swamp site visit involved locations on the ANGP that had more limited access by vehicle, involved longer walks on a hot day, and presented the safety issues of lack of emergency vehicle access if that need arose. Accordingly, I think concerns about the safety of a large group like those who participated in many previous visits was in all aspects appropriate and, in fact, in my opinion, essential.

Q6. Were you aware that Mr. Shelton determined the depth of cover in the Clay Plains Swamp to be different from the depth measurements taken by Mr. Byrd during the 2019 site visit?

A6. No. At the time Mr. Byrd took his measurements, Mr. Shelton made no contradictory comments or objections to their accuracy. I am surprised to hear that Mr. Shelton now contests their accuracy because I thought we all agreed on the measurements at the time. For each measurement in the Clay Plains Swamp (and elsewhere), Mr. Byrd specifically asked everyone who was present, which included Mr. Shelton and the Department's pipeline safety engineer, whether they agreed with his results. I do not recall any disagreement from anyone. Mr. Shelton now states in his testimony depths that are 2" shallower than the measurements Mr. Byrd recorded. I was also surprised to read this because I did not observe Mr. Shelton taking his own measurements that day and do not believe he took any measurements of his own.

Q7. How do you respond to Mr. Shelton's allegations that the method Mr. Byrd used to determine depth of cover in the Clay Plains Swamp was inaccurate?

A7. I was surprised to hear Mr. Shelton criticize the methodology used to take measurements as "crude." I can provide some background on Mr. Byrd's process for taking measurements and how that process was modified for part of the Clay Plains Swamp site visit.

In general, under the direction of Mr. Byrd, VGS utilized an electronic depth measuring device or "locator" designed to pick up an electronic signal that is placed on the pipe. This was the same methodology used to take measurements on each of Mr. Byrd's prior site visits. We were successful in obtaining accurate measurements with this methodology prior to the Clay Plains Swamp site visit, including verifying the depth accuracy of this method by using a probing device in conjunction with the electronic locator, and were confident that we would be able to utilize that device in the Clay Plains Swamp.

On the August 2019 site visit, depth measurements were taken starting at Parks-Hurlburt Road and heading south utilizing the electronic locator. Periodically, the pipeline was also located with a fiberglass probing rod as validation of location. The group accessed the Clay Plains Swamp at the northern end. The pipeline in that vicinity is adjacent to the VELCO ROW, and a zinc ribbon is installed in a portion of the swamp for AC mitigation to provide additional corrosion protection. The zinc ribbon can interfere with the locator signal, so we planned to disconnect the ribbon on the north end of the swamp. Even with the zinc ribbon disconnected, however, readings at the north end of the swamp demonstrated some interference. This can typically be accommodated by calibrating the measuring device, but the interference continued, so our technician attempted to disconnect the south end of the ribbon as well.

Due to the high overgrowth and challenging walking in the swamp, it was taking longer than expected to locate and disconnect the southern end of the zinc ribbon. We had already been in the field for many hours so rather than wait longer, we decided to move on to the alternative measuring technique using the probe as described below. Later, as we were taking depth measurements, we did come across the box for the southern end of the zinc ribbon, however we continued with the probe measuring method for consistency throughout the swamp.

This probe measuring method was proposed by Mr. Byrd, and as Mr. Shelton notes, no one had a tape measure in the field because we had planned to use the locator. Although we discussed returning to the vehicles to obtain a tape measure (which was at least a 2-mile round trip), Mr. Byrd proposed that using a standard 8 ½" by 11" sheet of paper to measure against the probe would work. No one objected to this method of taking measurements.

Measurements were taken after the probe was inserted and marked at ground level. The probe was then removed from the ground and Mr. Byrd measured from the ground level mark to the probe end using the 8 ½" by 11" sheet of paper. Mr. Byrd also used a locating flag with a plastic stem that measured 24". During all the measurements, Mr. Byrd verbalized each step of the measuring process and stated his calculated pipeline depth. He then asked for confirmation from those present. No one objected to his measurements as they were being taken. At several locations, Mr. Byrd repeated the process to ensure his calculated depth was accurate. Mr. Byrd took great care to ensure the work performed that day was accurate and built upon consensus.

Q8. What is your response to Mr. Shelton's claim that the 2019 measurements in the Clay Plains Swamp demonstrate that VGS failed to bury the pipeline even 3' deep in 2016?

A8. Mr. Shelton's allegation that the pipeline was buried less than two feet in 2016 is both factually incorrect and not supported by any evidence. First, the survey measurements taken in 2016 demonstrated that all locations in this area had at least 3' of cover in 2016. Those measurements were taken with specialized survey equipment capable of measuring the elevation of the pipe both during and after construction at the same location to establish the depth. As detailed in my August 11, 2017 Affidavit, the 2016 measurements recorded using this specialized equipment are accurate and can be relied upon for the installed depth of the pipeline at the time of construction. I would also note that these installed depths are consistent with the federal regulation cited by Mr. Shelton, which establishes requirements for depth of cover at the time of installation.

Second, Mr. Shelton's conclusions based on his photo are not consistent with the actual open trench installation in this area. In this area, Michels excavated a shallow trench they refer to as the staging trench. This is the trench depicted in Mr. Shelton's photo. Subsequent to the staging trench, Michels excavated adjacent to the staging trench, allowing the pipe to slough off the staging trench and into the deeper adjacent trench.[2] This process was described by Mr. Byrd in his report and is criticized by Intervenors, so it does not make sense that Mr. Shelton is saying that no more work was performed after this picture was taken.

[2] This is the process referred to by the Intervenors as the "sink in swamp" method.

Q9. Are you concerned about the variance between the 2019 and 2016 measurement of depth of cover in the Clay Plains Swamp?

A9. No. The depth of cover measurements by Mr. Byrd in the Clay Plains Swamp demonstrate that the pipeline is at a depth that ensures pipeline safety and integrity, as I explain in more detail in my answer to Q10 below. It does not surprise me that the measured depth of cover has changed to some degree since the time of installation. Depth of cover does not remain the same over time. This is one of the reasons we conduct annual surveys of our entire transmission pipeline from Highgate to Middlebury. On the ANGP, we agreed to conduct those surveys on a quarterly basis for even greater oversight and monitoring. These surveys provide an opportunity to identify changes in the surface topography that may impact pipeline integrity so that appropriate steps can be taken if needed.

Given that Mr. Byrd's measurements were taken three years after construction, the immaterial variation in measurements is not surprising and does not diminish the credibility or reliability of the initial measurements. The measurements taken in 2016 were reliable and accurate.

Q10. There are a few locations in the Clay Plains Swamp that are now measuring less than 3 feet of cover. Do you have any concerns about the depth of cover in these areas?

A10. No. The Clay Plains Swamp area is about 2,600 feet long. Mr. Byrd's report documented that there is a 260-foot section from 1645+80 to 1648+40 where the depth of cover measured less than 3' during the 2019 site visit. I do not have any concerns about the safety and integrity of the pipeline in this location for several reasons. First, when assessing the safety of the pipeline

with respect to depth of cover, we are primarily concerned about potential impacts from third parties and potential damage to the pipeline. For example, in areas where there is active development or agricultural fields, depth of cover is important to protect the pipeline from third-party excavation, which can pose a risk to the pipeline. In this location, there is no access to the pipeline, the areas cannot be developed given VELCO's right of way, and our agreement with VELCO ensures that any activity in this area is coordinated between the parties to ensure pipeline safety.

Second, although our initial MOU with VELCO established a very conservative depth of cover, the central purpose was to ensure that loading standards were met in the VELCO ROW, regardless of whether any vehicle would ever drive through this location. Although we expect that standard will rarely, if ever, be needed in this area, our ongoing discussions with VELCO have confirmed that their desire is to ensure that loading standards are met. The 2016 memorandum cited by Mr. Shelton does not establish a 3' minimum as described by Mr. Shelton. As indicated in the stress calculations therein, the effective stress on the pipeline varies between 3' and 5', but not substantially. None of the calculations approach the allowable effective stress level, even at 3' of cover. Accordingly, the calculations from 2016 actually show that the cover could be further reduced below 3' while continuing to maintain the loading standard. The memo does not address the minimum amount of cover as Mr. Shelton suggests. To confirm we had a safe margin in this location, we followed up with Mott MacDonald in 2017 to find out whether the loading standard would be maintained at lower depths, and they informed us that the standard is met with 2' of cover. **Exhibit VGS-JSH-8**. We have also conferred with VELCO about this

and they continue to be comfortable with the safety of the pipeline in this area given our prior agreements and the applicable loading standards. See **Exhibit VGS-JSH-9**.

We will, of course, continue appropriate monitoring, as we do with our entire transmission system, and work with VELCO to ensure ongoing safe operation of the pipeline and any related activity in this area. We do not, however, have any concerns that the depth measurements taken in the Clay Plains Swamp in 2019 indicate any pipeline safety, integrity or compliance issues. I note Mr. Byrd has recommended the installation of additional signage in this area and we have implemented his recommendation.

Q11. Turning now to the method used to install the pipe in the Clay Plains Swamp, Mr. Shelton claims that the pipeline was pushed into the Clay Plains Swamp using an excavator. Is this true?

A11. No. I had many discussions with the contractors and pipeline inspectors during the ANGP construction. No one ever proposed "pushing" the pipeline into the ground by forcing it with an excavator and I have been assured by our contractor that this was not done. This kind of methodology would place the pipeline at risk of being damaged in the process of installation. I note in this context that our inspection of the pipeline—each and every weld at the time of construction and our ILI inspection in 2018—demonstrates that the pipeline in this vicinity is in excellent condition and suffered no damage at the time of construction. Mr. Shelton, moreover, has provided no evidence of any kind to support his claim. Since he first alleged it, I have spoken with various personnel and consultants who were present during construction of ANGP. No one believed this would be an acceptable installation technique, nor did anyone hear this method

suggested for any location on the ANGP. I am confident our inspectors would not have allowed such a method. I have personally reviewed thousands of pages of Project documentation, including inspection forms, and have found no notations or information indicating a plan to use this process or that it was used. In fact, Mr. Shelton's assertion is at least third-hand. Mr. Shelton claims he heard this from G.C. Morris, who was the Department of Public Service's (the "Department") gas safety engineer at that time, and Mr. Shelton speculates that Mr. Morris must have heard it from VGS because Mr. Morris was not in the field himself. The Department never raised this issue with VGS. Neither Mr. Morris nor any other gas safety engineer has mentioned this to me, and I am not aware of a single VGS employee who claims this occurred. Our field testing and ILI results provide conclusive evidence that the pipeline suffered no damage during construction in the Clay Plains Swamp. For all of these reasons, I am confident this did not occur.

Q12. Was the installation method used by Michels in the Clay Plains Swamp an appropriate way to bury the pipeline in that location?

A12. Yes. The plans and specifications for ANGP indicated that VGS would use two different general methods for installation: boring (such as HDD) or open cut trench installation. The method Michels used in the Clay Plains Swamp was a type of open cut installation that involves staging the pipeline in a shallow trench and then excavating a deeper trench adjacent to the staging trench. As I understand it, when Michels anticipated wet site conditions in this narrow portion of the right of way, as the contractor in charge, they proposed utilizing this method of installation, discussed it with the construction management team, and determined that it was the

appropriate way to proceed. In my experience, this is precisely the kind of judgment that is routinely exercised in the field to address site-specific conditions like those encountered in the Clay Plains Swamp. Plans and specifications cannot address every possible site condition. The contractor, in conjunction with the construction management team and on-site third-party inspection team, is charged with the responsibility of making site-specific adjustments in the construction process. In this case, neither our inspectors, nor the Department's safety consultant expressed any concerns with the method Michels executed in the Clay Plains Swamp. As Mr. Byrd found, this construction technique was in accordance with law and pipeline safety regulation. Intervenors are the only entity that has complained about this construction technique.

Q13. Do you think Michels should have used a different method of installation in this area?

A13. No. We have reviewed carefully the decisions that led to using the method of installation employed in the Clay Plains Swamp and, like Mr. Byrd, have concluded that the resulting installation is safe and that pipeline integrity and safety are maintained. At the time, our contractor and construction management team made a reasoned, appropriate judgment, considering all the circumstances at hand and with the safety of equipment, crews, and pipe ROW front of mind.

Q14. Mr. Shelton and Mr. Palmer both refer to depth concerns regarding another section of swamp in New Haven starting around station number 1944+00. Do you have any concerns about the depth issues they raise at these locations?

A14. No. This section of swamp is not in the VELCO ROW and was therefore not intended to be built to 4' of cover as contemplated in the VELCO agreement. Instead, in this section of swamp, the depth of cover was supposed to be three feet, which it is. The attached map shows where the VELCO ROW ends and where this station number is located in relation thereto. See **Exhibit VGS-JSH-7**.

Inspection Reports

Q15. Ms. Palmer's testimony attempts to summarize certain inspection reports. Please explain whether this summary is accurate and complete.

A15. Ms. Palmer's testimony suggests that there was no inspection of a variety of issues. This is incorrect. As noted by Mr. Byrd, VGS had a comprehensive team of inspectors and achieved a level of third-party inspection that is unusually high. There were multiple third-party inspectors on-site during construction, from both our own on-site representatives and from the Department, reviewing everything from the excavation of the trench to the preparation of the pipe, lowering-in, backfilling, welding, and other items. In particular, the Department had a robust inspection presence on the ANGP. The Department engaged John McCauley as a dedicated ANGP inspector. Mr. McCauley was on site almost daily, had extensive experience in the pipeline industry, and developed a reputation on the ANGP for rigorous oversight. In some cases, we also had town inspectors on site. Internal VGS personnel were also often on site.

Ms. Palmer also assumes incorrectly that if an inspection report is silent on an issue, it indicates there was no inspection of that issue. Actually, the opposite is true. The inspection team largely followed the industry standard for pipeline inspection, which is called inspection by exception. This means that inspection reports documented issues of concern that were encountered with respect to certain categories as well as daily progress. If the inspectors identified an issue of concern, then they would make a note on the inspection report. If there were no issues of concern, then the inspectors would not make any entry other than daily progress. Ms. Palmer has mistaken no indication as no inspection, when in fact, the opposite is true.

Ms. Palmer is also incorrect that certain inspections did not occur based on her conclusion that certain reports are missing. I personally reviewed the inspection reports and disagree with her conclusion that there are 137 missing. Our inspectors numbered their reports in sequential order. We produced the reports in groups based on the inspection category, e.g., welding inspections, pipe bending, coatings, jeeping, HDD, etc. Some inspectors were qualified to inspect in more than one category, which means that the numbering sequence can appear to show a missing report in one category when the same inspector was actually just reporting in a different category and continuing their numbering sequence there. Ms. Palmer has mistakenly counted these as missing reports when they are actually just produced in a different inspection category. I also found instances where inspectors would skip a number in their sequence for a variety of reasons (e.g., they left the ANGP and returned, did not perform inspection for a day, or just started on the wrong number when they returned to work). Accordingly, Ms. Palmer's conclusion that there are significant numbers of inspection reports missing is incorrect.

Finally, to the extent Ms. Palmer is suggesting that the pipeline was not properly backfilled or supported, she is simply incorrect. VGS inspectors oversaw the installation of the pipeline in all areas where open cut installation was performed. As reviewed and discussed in Mr. Byrd's report, he saw no issues with the quality of the backfill used for bedding and padding and concluded that VGS complied appropriately with the specifications for bedding and pipe support. Also as noted by Mr. Byrd, many decisions were made in the field to implement the plans as suitable to the field conditions in various locations, in a manner that conformed to industry standards and regulations, and to the CPG and collateral permits.

The Engineers

Q16. Mr. Liebert's testimony reiterates his concerns that the plans for ANGP were not prepared by a Vermont licensed engineer. How do you respond?

A16. Mr. Liebert's testimony is incorrect. CHA has affirmed that they undertook the requisite review to meet their contractual obligations and they have accordingly stamped the plans. We have no legitimate reason to question their certification, or their stamp on the plans, and we accordingly accept both.

Mr. Liebert does not identify any deficiencies in the engineering and design of the ANGP, nor any actual safety or integrity issues that arose out of the lack of a seal on the plans. Although Mr. Liebert states that the public is endangered by these plans, he fails to say how. The facts demonstrate the opposite.

Nor do I place any stock in Ms. Engvall's analysis of the CHA invoices that she asserts do not include a lot of billed time for the engineer in charge, or Mr. Liebert's reliance on that analysis. As I understand it, the engineer in charge can play a supervisory role, especially in a

national firm like CHA with qualified engineers licensed in multiple states. Our team worked closely with several of the CHA engineers on this Project, including Tyler Billingsley and Brendan Kearns. We know from our experience with these engineers that many other experienced and qualified engineers were part of the team and worked on the Project in different capacities. Mr. Liebert has misconstrued my deposition testimony on this point. I was familiar with the members of the CHA team that were involved in the day-to-day management and development of the Project and I am not surprised that those individuals (including Mr. Billingsley, who I believe was a Vermont licensed engineer himself) escalated review of various issues to others at CHA. In fact, I recall that they informed us they were running down feedback with their colleagues on more than one occasion.

We hired CHA because it is a professional engineering firm, and appropriately relied on its representatives to provide invoices that reflected work being done. As in our own company, supervision and review activities on a project often do not result in work order or time charges, which we consider to be completely appropriate on the part of our outside engineers and other consultants. The fact that CHA did not bill hours specific to various supervisory individuals is neither uncommon nor indicative of the quality of their oversight.

The Independent Investigation

Q17. Please describe your own experience with Mr. Byrd's investigation in response to Dr. Smolker's claims that it was unfair to Intervenors.

A17. We made the commitment at the outset to assist Mr. Byrd in his investigation and cooperate fully with any questions he had. He made clear that he would communicate directly with VGS's attorneys to obtain this information. Because our construction practices and

documentation were under investigation, Mr. Byrd called upon VGS to respond comprehensively to multiple requests for information and, in some cases explanation, of what information or specification we relied upon. Mr. Byrd reviewed vast amounts of information during his investigation. It is not surprising that he had many questions about documents that he requested. VGS appropriately responded to his questions when he presented them to our attorneys.

Substantial Change Allegations

Q18. Mr. Shelton and Mr. Palmer both allege that the depth of cover and construction method in the Clay Plains Swamp must be a substantial change. Please respond to these specific allegations.

A18. As noted above, I think this is ultimately a question for the Commission to decide, but I also think there are some relevant facts that should be considered. In particular, the question about the depth of cover in the swamp is a factual question about safety because the depth of cover is primarily a safety issue. In all other aspects, the construction in this area conformed to the CPG and plans—location, open cut construction, width of right of way, environmental controls, and others. As I have discussed above, the depth of cover in the Clay Plains Swamp, both at the time of construction and in 2019 when Mr. Byrd took his measurements, does not raise any safety concerns. Accordingly, while I believe we set a conservative 4’ depth requirement in the VELCO ROW, and acknowledge that we did not meet it, the ultimate change from that standard is immaterial to the safety of the pipeline. Accordingly, I do not think the facts support Mr. Shelton’s and Mr. Palmer’s conclusion that the change was material.

Q19. Does this conclude your testimony?

A19. Yes.