

**Docket No. UE-180167 - Vol. I**

**In the Matter of: Avista Corporation d/b/a Avista  
Utilities**

**December 12, 2018**



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1 OLYMPIA, WASHINGTON; DECEMBER 12, 2018

2 9:30 A.M.

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4 P R O C E E D I N G S

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6 JUDGE O'CONNELL: Okay. Let's be on the  
7 record. Good morning. We're here today for a  
8 prehearing conference regarding Avista Corporation's  
9 petition for a Commission order authorizing the company  
10 to revise its electric book depreciation rates, Docket  
11 UE-180167. The time is approximately 9:30 a.m. on  
12 December 12th, 2018.

13 My name is Andrew O'Connell. I am an  
14 administrative law judge with the Washington Utilities  
15 and Transportation Commission, and I will be presiding  
16 in this matter along with the Commissioners.

17 After this hearing, I'll prepare an order  
18 outlining the procedure going forward in this case, but  
19 to start, I intend to take appearances and address  
20 petitions for intervention. Let's begin with Avista.

21 MR. MEYER: Thank you, Your Honor. David  
22 Meyer appearing for Avista. Would the short form of  
23 appearance suffice?

24 JUDGE O'CONNELL: Yes, it would.

25 MR. MEYER: Okay. Thank you.

1 JUDGE O'CONNELL: And Staff?

2 MR. CASEY: This is Christopher Casey  
3 appearing for Commission Staff. I also put in a notice  
4 of appearance yesterday, but I'd like to note that  
5 should have been a substitution of counsel for Brett  
6 Shearer so he can be removed from this docket.

7 JUDGE O'CONNELL: Okay. Thank you.  
8 And Public Counsel?

9 MS. SUETAKE: Thank you, Your Honor. This  
10 is Nina Suetake appearing on behalf of Public Counsel.

11 JUDGE O'CONNELL: And Mr. Pepple?

12 MR. PEPPLER: Good morning, Your Honor.  
13 Tyler Pepple for the Alliance of Western Energy  
14 Consumers.

15 JUDGE O'CONNELL: Thank you.  
16 And Sierra Club?

17 MR. GERHART: Good morning, Your Honor.  
18 This is Matthew Gerhart appearing on behalf of Sierra  
19 Club.

20 MS. DARBY: And this is Marta Darby also  
21 appearing on behalf of the Sierra Club, Your Honor.

22 JUDGE O'CONNELL: Okay. Thank you.  
23 That brings us to the petitions for

24 intervention. There's one thing I wanted to address  
25 before getting into the petitions for intervention.

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1                   Mr. Pepple, I notice that your petition to  
2    intervene was on behalf of the Industrial Customers of  
3    Northwest Utilities, but my understanding is that  
4    organization is now the Alliance of Western Energy  
5    Consumers; is that correct?

6                   MR. PEPPLER: That's correct, Your Honor.  
7    The -- we -- ICNU merged with Northwest Gas Users  
8    effective April 1st of this year. So I'm happy to  
9    handle that any way you would like.

10                  JUDGE O'CONNELL: Well, I think that we can  
11   handle it on the record right now in this hearing. Can  
12   I confirm with you that the rest of the information in  
13   the petition is still correct as it applies to you and  
14   the Alliance of Western Energy Consumers?

15                  MR. PEPPLER: Yes, the -- the only change  
16   that may need to be made is that AWEC now represents  
17   both gas and electric customers of Avista.

18                  JUDGE O'CONNELL: Well, Mr. Pepple, let me  
19   ask, what would be your preference, would you like to  
20   refile a clarification, or I am inclined to accept your  
21   clarification here at the hearing and consider the  
22   petition to be on behalf of the Alliance of Western  
23   Energy Consumers.

24                  MR. PEPPLER: Your Honor, that -- that  
25   proposal is fine with me assuming no other party

1 objects.

2 JUDGE O'CONNELL: And I would like to ask if  
3 there's any objection to me considering the petition to  
4 be on behalf of Alliance of Western Energy Consumers?

5 MR. CASEY: No objection.

6 MR. MEYER: No objection from Avista.

7 MS. SUETAKE: No objection, Your Honor.

8 JUDGE O'CONNELL: Then with that --

9 MR. GERHART: No objection from Sierra Club.

10 JUDGE O'CONNELL: Thank you.

11 With that, then I will consider petition to  
12 intervene to be on behalf of the Alliance of Western  
13 Energy Consumers.

14 Are there any petitions for intervention  
15 other than the ones that have been filed in writing with  
16 the Commission? Hearing none, let's proceed.

17 I've read the two petitions to intervene,  
18 the one on behalf of the Alliance of Western Energy  
19 Consumers and the one on behalf of Sierra Club. I'm  
20 unaware of any written objections to these petitions.  
21 Are there any objections?

22 MR. MEYER: No objection, Your Honor.

23 MR. CASEY: No objection from Staff, Your  
24 Honor.

25 MS. SUETAKE: No objection from Public

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1 Counsel.

2 JUDGE O'CONNELL: Okay. Hearing no  
3 objections, then the petitions to intervene will be  
4 granted.

5 I want to touch on the issue of a protective  
6 order. Is there a need for a protective order in this  
7 case and if so, would a standard -- the Commission's  
8 standard protective order be sufficient?

9 Mr. Meyer?

10 MR. MEYER: Yes, yes, there is a need and a  
11 standard form would be sufficient. Thank you.

12 JUDGE O'CONNELL: Is -- does any party have  
13 an opposing perspective? Hearing nothing, I will issue  
14 a protective order in the coming days.

15 I want to next remind the parties that the  
16 Commission has adopted new procedural rules regarding  
17 electronic filing and service. Commission requires  
18 electronic filing of documents for formal filings;  
19 however, in this case, the Commission will also require  
20 the filing of an original and three paper copies for  
21 internal distributions. And in the event that there is  
22 information designated as confidential, request that you  
23 file the original and three copies of the fully  
24 unredacted versions and then for the -- any of the  
25 redacted versions, it's unnecessary to file a paper

1 copy. Electronic copies of the partly or fully redacted  
2 versions will be sufficient.

3 Also, the Commission's rules provide for  
4 electronic service of documents. The Commission will  
5 serve the parties electronically and the parties will  
6 serve each other electronically. If any party has not  
7 yet designated a lead representative for service, please  
8 do so via an email to me. My email address is  
9 Andrew.j.oconnell@utc.wa.gov.

10 Also, if anyone would like to add names of  
11 support staff or other representatives who should  
12 receive electronic courtesy copies, please also email me  
13 that information if you have not already provided it. I  
14 notice that in a number of the notices of appearances  
15 and the petitions to intervene, there are additional  
16 support staff that have been identified and I'll ensure  
17 that those are included.

18 So that brings me to the procedural  
19 schedule. I've been provided a draft proposed  
20 procedural schedule. Is there consensus on this  
21 proposal?

22 Mr. Casey?

23 MR. CASEY: Your Honor, I believe there is,  
24 although we did have to make a tweak. So kind of into  
25 yesterday evening, I emailed the parties yesterday, I

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1 heard back from Sierra Club that they had no objections.  
2 I talked to Public Counsel this morning and had no  
3 objections. So we should check in with -- with  
4 Mr. Pepple and Mr. Meyer if they were okay with pushing  
5 the hearing date from May 1 to May 6 to allow for time  
6 for one last round of discovery after the  
7 cross-answering and rebuttal round of testimony.

8 JUDGE O'CONNELL: I will defer to the  
9 parties on whether you need an opportunity to go off the  
10 record, take a couple minutes to discuss. Would that be  
11 acceptable?

12 MR. MEYER: Well, not necessarily. We won't  
13 need that opportunity. This is Avista. We are fine  
14 with those recent edits as of yesterday afternoon, so we  
15 are fine with the schedule.

16 JUDGE O'CONNELL: Okay. And as I recall,  
17 there was someone else that needed to check in.

18 MR. PEPPLER: Yeah, this -- this is Tyler  
19 Pepple for AWEC, and we're fine with the May 6th hearing  
20 date as well.

21 JUDGE O'CONNELL: And so just so I can  
22 confirm, the change that's been made to the schedule  
23 from the one that I was given is the evidentiary hearing  
24 will be -- is proposed as May 6th?

25 MR. CASEY: Yes, that's correct, and just to

1 double-check, the discovery deadline is April 23rd, and  
2 cross-examination, exhibits, witness list, and time  
3 estimates will be due April 29th, 2019.

4 JUDGE O'CONNELL: Okay. I have made those  
5 adjustments on my copy, and I have confirmed with  
6 Commission availability that May 6th will work for the  
7 Commission. I will confirm that the proposed schedule  
8 works otherwise for the Commission and incorporate it  
9 into the prehearing conference order.

10 A few other items I believe we need to  
11 address before we adjourn for the day. During  
12 proceedings at the Commission, I am aware that the  
13 parties often request that any data requests and  
14 responses are shared with every other party. Typically  
15 it's the data request No. 1. I would make this easier  
16 on the parties by including such a requirement in the  
17 prehearing conference order. Is there any objection to  
18 my including that requirement?

19 MR. MEYER: None from Avista.

20 MR. CASEY: None from Staff, Your Honor.

21 MS. SUETAKE: None from Public Counsel.

22 MR. GERHART: No objection from Sierra Club,  
23 Your Honor.

24 JUDGE O'CONNELL: And, Mr. Pepple, not  
25 hearing an objection from you, I'm taking that as you

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1 are okay with that requirement?

2 MR. PEPPLER: Yeah, no objection, Your Honor.

3 JUDGE O'CONNELL: Okay. So is there  
4 anything else we should discuss today?

5 MR. MEYER: I would just like on behalf of  
6 Avista to thank Staff counsel, Mr. Casey, for his work  
7 in putting this schedule together and coordinating with  
8 the parties. So thank you very much.

9 JUDGE O'CONNELL: Okay. And I would like to  
10 thank all the parties today for getting together and  
11 discussing and coming prepared to the hearing and being  
12 on time, and I would thank you for your efforts today.  
13 And if there's nothing else, I will issue an order  
14 shortly containing the procedural schedule and other  
15 guidelines for the disposition of this case as well as a  
16 protective order. We are adjourned. Thank you.

17 (Adjourned at 9:40 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

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