

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

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

**December 12, 2018**



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of ) DOCKET NO. UE-180167

AVISTA CORPORATION d/b/a ) AVISTA UTILITIES )

For an Order Authorizing the ) Company to Revise its Electric ) Book Depreciation Rates and ) Authorizing Deferred Accounting ) Treatment for the Difference in ) Depreciation Expense )

PREHEARING CONFERENCE, VOLUME I Pages 1-13 ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

December 12, 2018 9:30 A.M.

Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive Southwest Olympia, Washington 98504

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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APPEARANCES (Continued)

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FOR SIERRA CLUB: (Via phone)

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MARTA DARBY Associate Attorney Sierra Club Environmental Law Program 2101 Webster Street, Suite 1300 Oakland, California 94612 (415) 977-5779 marta.darby@sierraclub.org

APPEARANCES ADMINISTRATIVE LAW JUDGE: ANDREW O'CONNELL Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive SW Olympia, Washington 98504 (360) 664-1160

FOR COMMISSION STAFF: CHRISTOPHER CASEY Assistant Attorney General PO Box 40128 Olympia, Washington 98504 (360) 664-1189 ccasey@utc.wa.gov

FOR PUBLIC COUNSEL: NINA SUETAKE Attorney General's Office 800 - 5th Avenue, Suite 2000 Seattle, Washington 98104 (206) 430-2422 ninas@atg.wa.gov

FOR AVISTA: (Via phone) DAVID MEYER Avista Corporation PO Box 3727 Spokane, Washington 99220 (509) 495-4316 patty.hanson@avistacorp.com

OLYMPIA, WASHINGTON; DECEMBER 12, 2018 9:30 A.M. --o0o-- PROCEEDINGS

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

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

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

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

JUDGE O'CONNELL: Yes, it would.

MR. MEYER: Okay. Thank you.

Page 5

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. PEPPLE: 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.

Page 6

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

Page 7

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

Page 8

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

Page 9

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

Page 10

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. PEPPLE: 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

Page 11

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

Page 12

1 are okay with that requirement?  
 2 MR. PEPPLE: 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.)  
 18  
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 25

CERTIFICATE

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

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 1:16 4:2,11 12:17</p> <p><b>ability</b> 13:9</p> <p><b>accept</b> 6:20</p> <p><b>acceptable</b> 10:11</p> <p><b>Accounting</b> 1:8</p> <p><b>accurate</b> 13:9</p> <p><b>add</b> 9:10</p> <p><b>additional</b> 9:15</p> <p><b>address</b> 4:19 5:24 9:8 11:11</p> <p><b>adjourn</b> 11:11</p> <p><b>adjourned</b> 12:16 12:17</p> <p><b>adjustments</b> 11:5</p> <p><b>administrative</b> 1:13 2:2 4:14</p> <p><b>adopted</b> 8:16</p> <p><b>afternoon</b> 10:14</p> <p><b>Alliance</b> 5:13 6:4 6:14,22 7:4,12,18</p> <p><b>allow</b> 10:5</p> <p><b>Andrew</b> 1:13 2:3 4:13</p> <p><b>Andrew.j.oconne...</b> 9:9</p> <p><b>appearance</b> 4:23 5:4</p> <p><b>appearances</b> 4:19 9:14</p> <p><b>appearing</b> 4:22 5:3 5:10,18,21</p> <p><b>applies</b> 6:13</p> <p><b>approximately</b> 4:11</p> <p><b>April</b> 6:8 11:1,3</p> <p><b>Assistant</b> 2:8</p> <p><b>Associate</b> 3:13</p> <p><b>assuming</b> 6:25</p> <p><b>Attorney</b> 2:8,13 3:8 3:13</p> <p><b>authorizing</b> 1:6,8 4:9</p> <p><b>availability</b> 11:6</p> <p><b>Avenue</b> 1:22 2:14</p>	<p><b>Avista</b> 1:5,5 2:17 2:19 4:8,20,22 6:17 7:6 10:13 11:19 12:6</p> <p><b>aware</b> 11:12</p> <p><b>AWEC</b> 3:2 6:16 10:19</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 10:1</p> <p><b>behalf</b> 5:10,18,21 6:2,22 7:4,12,18 7:19 12:5</p> <p><b>believe</b> 9:23 11:10</p> <p><b>best</b> 13:9</p> <p><b>book</b> 1:7 4:10</p> <p><b>Box</b> 2:9,19</p> <p><b>Brett</b> 5:5</p> <p><b>brings</b> 5:23 9:18</p> <p><b>Buell</b> 1:21</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:1 3:1 4:4 13:1,1</p> <p><b>California</b> 3:15</p> <p><b>case</b> 4:18 8:7,19 12:15</p> <p><b>Casey</b> 2:8 5:2,2 7:5 7:23 9:22,23 10:25 11:20 12:6</p> <p><b>ccasey@utc.wa.g...</b> 2:10</p> <p><b>CCR</b> 1:20 13:13</p> <p><b>Certified</b> 13:6</p> <p><b>certify</b> 13:8</p> <p><b>change</b> 6:15 10:22</p> <p><b>check</b> 10:3,17</p> <p><b>Christopher</b> 2:8 5:2</p> <p><b>clarification</b> 6:20 6:21</p> <p><b>Cleve</b> 3:4</p> <p><b>Club</b> 3:7,9,14 5:16 5:19,21 7:9,19 10:1 11:22</p> <p><b>Colorado</b> 3:10</p> <p><b>coming</b> 8:14 12:11</p>	<p><b>Commission</b> 1:2,17 2:4,7 4:9,15 5:3 7:16 8:16,17,19 9:4 11:6,7,8,12</p> <p><b>Commission's</b> 8:7 9:3</p> <p><b>Commissioners</b> 4:16</p> <p><b>company</b> 1:7 4:9</p> <p><b>conference</b> 1:11 4:8 11:9,17</p> <p><b>confidential</b> 8:22</p> <p><b>confirm</b> 6:12 10:22 11:7</p> <p><b>confirmed</b> 11:5</p> <p><b>consensus</b> 9:20</p> <p><b>consider</b> 6:21 7:11</p> <p><b>considering</b> 7:3</p> <p><b>Consumers</b> 5:14 6:5,14,23 7:4,13 7:19</p> <p><b>containing</b> 12:14</p> <p><b>Continued</b> 3:1</p> <p><b>coordinating</b> 12:7</p> <p><b>copies</b> 8:20,23 9:1 9:12</p> <p><b>copy</b> 9:1 11:5</p> <p><b>Corporation</b> 1:5 2:19</p> <p><b>Corporation's</b> 4:8</p> <p><b>correct</b> 6:5,6,13 10:25</p> <p><b>counsel</b> 2:12 5:5,8 5:10 8:1 10:2 11:21 12:6</p> <p><b>COUNTY</b> 13:4</p> <p><b>couple</b> 10:10</p> <p><b>courtesy</b> 9:12</p> <p><b>cross-answering</b> 10:7</p> <p><b>cross-examination</b> 11:2</p> <p><b>customers</b> 6:2,17</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 4:4</p>	<p><b>d/b/a</b> 1:5</p> <p><b>Darby</b> 3:13 5:20,20</p> <p><b>data</b> 11:13,15</p> <p><b>date</b> 10:5,20</p> <p><b>David</b> 2:18 4:21</p> <p><b>Davison</b> 3:4</p> <p><b>day</b> 11:11</p> <p><b>days</b> 8:14</p> <p><b>deadline</b> 11:1</p> <p><b>December</b> 1:15 4:1 4:12</p> <p><b>defer</b> 10:8</p> <p><b>Deferred</b> 1:8</p> <p><b>Denver</b> 3:10</p> <p><b>depreciation</b> 1:7,9 4:10</p> <p><b>designated</b> 8:22 9:7</p> <p><b>Difference</b> 1:8</p> <p><b>discovery</b> 10:6 11:1</p> <p><b>discuss</b> 10:10 12:4</p> <p><b>discussing</b> 12:11</p> <p><b>disposition</b> 12:15</p> <p><b>distributions</b> 8:21</p> <p><b>docket</b> 1:4 4:10 5:6</p> <p><b>documents</b> 8:18 9:4</p> <p><b>double-check</b> 11:1</p> <p><b>draft</b> 9:19</p> <p><b>Drive</b> 1:18 2:4</p> <p><b>due</b> 11:3</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1 3:1,1 4:4,4 13:1,1</p> <p><b>easier</b> 11:15</p> <p><b>edits</b> 10:14</p> <p><b>effective</b> 6:8</p> <p><b>efforts</b> 12:12</p> <p><b>electric</b> 1:7 4:10 6:17</p> <p><b>electronic</b> 8:17,18 9:1,4,12</p> <p><b>electronically</b> 9:5,6</p> <p><b>email</b> 9:8,8,12</p> <p><b>emailed</b> 9:25</p> <p><b>Energy</b> 5:13 6:4,14 6:23 7:4,13,18</p>	<p><b>ensure</b> 9:16</p> <p><b>Environmental</b> 3:9 3:14</p> <p><b>estimates</b> 11:3</p> <p><b>evening</b> 9:25</p> <p><b>event</b> 8:21</p> <p><b>Evergreen</b> 1:18 2:4</p> <p><b>evidentiary</b> 10:23</p> <p><b>exhibits</b> 11:2</p> <p><b>Expense</b> 1:9</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>F</b> 13:1</p> <p><b>file</b> 8:23,25</p> <p><b>filed</b> 7:15</p> <p><b>filing</b> 8:17,18,20</p> <p><b>filings</b> 8:18</p> <p><b>fine</b> 6:25 10:13,15 10:19</p> <p><b>foregoing</b> 13:8</p> <p><b>form</b> 4:22 8:11</p> <p><b>formal</b> 8:18</p> <p><b>forward</b> 4:18</p> <p><b>Fourth</b> 1:22</p> <p><b>fully</b> 8:23 9:1</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>G</b> 4:4</p> <p><b>Garlinghouse</b> 1:20 13:6,13</p> <p><b>gas</b> 6:7,17</p> <p><b>General</b> 2:8</p> <p><b>General's</b> 2:13</p> <p><b>Gerhart</b> 3:8 5:17 5:18 7:9 11:22</p> <p><b>getting</b> 5:25 12:10</p> <p><b>given</b> 10:23</p> <p><b>go</b> 10:9</p> <p><b>going</b> 4:18</p> <p><b>Good</b> 4:7 5:12,17</p> <p><b>granted</b> 8:4</p> <p><b>guidelines</b> 12:15</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>handle</b> 6:9,11</p> <p><b>happy</b> 6:8</p>
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<p><b>Harbor</b> 3:4  <b>heard</b> 10:1  <b>hearing</b> 4:17 6:11              6:21 7:16 8:2,13              10:5,19,23 11:25              12:11  <b>Honor</b> 4:21 5:9,12              5:17,21 6:6,24 7:7              7:22,24 9:23              11:20,23 12:2</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>ICNU</b> 6:7  <b>identified</b> 9:16  <b>inclined</b> 6:20  <b>included</b> 9:17  <b>including</b> 11:16,18  <b>incorporate</b> 11:8  <b>Industrial</b> 6:2  <b>information</b> 6:12              8:22 9:13  <b>intend</b> 4:19  <b>internal</b> 8:21  <b>intervene</b> 6:2 7:12              7:17 8:3 9:15  <b>intervention</b> 4:20              5:24,25 7:14  <b>issue</b> 8:5,13 12:13  <b>items</b> 11:10</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>judge</b> 1:13 2:2 4:6              4:14,24 5:1,7,11              5:15,22 6:10,18              7:2,8,10 8:2,12              10:8,16,21 11:4              11:24 12:3,9</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>kind</b> 9:24  <b>knowledge</b> 13:9</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>law</b> 1:13 2:2 3:9,14              4:14  <b>lead</b> 9:7</p>	<p><b>let's</b> 4:6,20 7:16  <b>list</b> 11:2  <b>LLC</b> 1:21</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Marta</b> 3:13 5:20  <b>marta.darby@si...</b>              3:16  <b>matt.gerhart@si...</b>              3:11  <b>matter</b> 1:4 4:16  <b>Matthew</b> 3:8 5:18  <b>merged</b> 6:7  <b>Meyer</b> 2:18 4:21,22              4:25 7:6,22 8:9,10              10:4,12 11:19              12:5  <b>minutes</b> 10:10  <b>morning</b> 4:7 5:12              5:17 10:2</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N</b> 2:1 3:1 4:4  <b>name</b> 4:13  <b>names</b> 9:10  <b>National</b> 1:24  <b>necessarily</b> 10:12  <b>need</b> 6:16 8:6,10              10:9,13 11:10  <b>needed</b> 10:17  <b>new</b> 8:16  <b>Nina</b> 2:13 5:10  <b>ninas@atg.wa.gov</b>              2:15  <b>Northwest</b> 6:3,7  <b>note</b> 5:4  <b>notice</b> 5:3 6:1 9:14  <b>notices</b> 9:14  <b>number</b> 9:14</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 4:4  <b>O'Connell</b> 1:13 2:3              4:6,13,24 5:1,7,11              5:15,22 6:10,18              7:2,8,10 8:2,12</p>	<p>10:8,16,21 11:4              11:24 12:3,9  <b>o0o--</b> 4:3  <b>Oakland</b> 3:15  <b>objection</b> 7:3,5,6,7              7:9,22,23,25              11:17,22,25 12:2  <b>objections</b> 7:20,21              8:3 10:1,3  <b>objects</b> 7:1  <b>Office</b> 2:13  <b>okay</b> 4:6,25 5:7,22              8:2 10:4,16 11:4              12:1,3,9  <b>Olympia</b> 1:18 2:5,9              4:1  <b>ones</b> 7:15  <b>opportunity</b> 10:9              10:13  <b>opposing</b> 8:13  <b>order</b> 1:6 4:9,17              8:6,6,8,14 11:9,17              12:13,16  <b>Oregon</b> 3:5  <b>organization</b> 6:4  <b>original</b> 8:20,23  <b>outlining</b> 4:18</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P</b> 2:1,1 3:1,1 4:4  <b>Pages</b> 1:12  <b>paper</b> 8:20,25  <b>Park</b> 1:18 2:4  <b>parties</b> 8:15 9:5,5              9:25 10:9 11:13              11:16 12:8,10  <b>partly</b> 9:1  <b>party</b> 6:25 8:12 9:6              11:14  <b>patty.hanson@a...</b>              2:21  <b>PC</b> 3:4  <b>Pepple</b> 3:3 5:11,12              5:13 6:1,6,15,18              6:24 10:4,18,19              11:24 12:2</p>	<p><b>perspective</b> 8:13  <b>petition</b> 1:4 4:9 6:1              6:13,22 7:3,11  <b>petitions</b> 4:20 5:23              5:25 7:14,17,20              8:3 9:15  <b>phone</b> 2:17 3:3,7  <b>please</b> 9:7,12  <b>PO</b> 2:9,19  <b>Portland</b> 3:5  <b>preference</b> 6:19  <b>prehearing</b> 1:11              4:8 11:9,17  <b>prepare</b> 4:17  <b>prepared</b> 12:11  <b>presiding</b> 4:15  <b>procedural</b> 8:16              9:18,20 12:14  <b>procedure</b> 4:18  <b>proceed</b> 7:16  <b>proceedings</b> 11:12  <b>Program</b> 3:9,14  <b>proposal</b> 6:25 9:21  <b>proposed</b> 9:19              10:24 11:7  <b>protective</b> 8:5,6,8              8:14 12:16  <b>provide</b> 9:3  <b>provided</b> 9:13,19  <b>Public</b> 2:12 5:8,10              7:25 10:2 11:21  <b>pushing</b> 10:4  <b>put</b> 5:3  <b>putting</b> 12:7</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>R</b> 2:1 3:1 4:4 13:1  <b>rates</b> 1:7 4:10  <b>read</b> 7:17  <b>Realtime</b> 1:21  <b>rebuttal</b> 10:7  <b>recall</b> 10:16  <b>receive</b> 9:12  <b>record</b> 4:7 6:11</p>	<p>10:10  <b>redacted</b> 8:25 9:1  <b>refile</b> 6:20  <b>regarding</b> 4:8 8:16  <b>remind</b> 8:15  <b>removed</b> 5:6  <b>REPORTED</b> 1:20  <b>Reporter</b> 13:7  <b>Reporting</b> 1:21  <b>representative</b> 9:7  <b>representatives</b>              9:11  <b>represents</b> 6:16  <b>request</b> 8:22 11:13              11:15  <b>requests</b> 11:13  <b>require</b> 8:19  <b>requirement</b> 11:16              11:18 12:1  <b>requires</b> 8:17  <b>responses</b> 11:14  <b>rest</b> 6:12  <b>revise</b> 1:7 4:10  <b>right</b> 6:11  <b>round</b> 10:6,7  <b>rules</b> 8:16 9:3</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>S</b> 2:1 3:1 4:4  <b>schedule</b> 9:19,20              10:15,22 11:7              12:7,14  <b>Seattle</b> 1:22,23              2:14  <b>serve</b> 9:5,6  <b>service</b> 8:17 9:4,7  <b>shared</b> 11:14  <b>Shearer</b> 5:6  <b>short</b> 4:22  <b>Shorthand</b> 13:6  <b>shortly</b> 12:14  <b>Sierra</b> 3:7,9,14              5:16,18,21 7:9,19              10:1 11:22  <b>skill</b> 13:9  <b>South</b> 1:18 2:4</p>
--	---	---	---	--



<b>Southwest</b> 1:18	<b>tweak</b> 9:24	<b>Yeah</b> 10:18 12:2	<b>5</b>
<b>Spokane</b> 2:20	<b>two</b> 7:17	<b>year</b> 6:8	<b>503</b> 3:5
<b>staff</b> 2:7 3:8 5:1,3	<b>Tyler</b> 3:3 5:13	<b>yesterday</b> 5:4 9:25	<b>509</b> 2:20
7:23 9:11,16	10:18	9:25 10:14	<b>510</b> 3:11
11:20 12:6	<b>Typically</b> 11:14		<b>5th</b> 2:14
<b>standard</b> 8:7,8,11		<b>Z</b>	
<b>start</b> 4:19	<b>U</b>		<b>6</b>
<b>State</b> 13:3,7	<b>UE-180167</b> 1:4	<b>0</b>	<b>6</b> 10:5
<b>Street</b> 3:10,15	4:11	<b>1</b>	<b>664-1160</b> 2:5
<b>substitution</b> 5:5	<b>unaware</b> 7:20	<b>1</b> 10:5 11:15	<b>664-1189</b> 2:10
<b>Suetake</b> 2:13 5:9	<b>understanding</b> 6:3	<b>1-13</b> 1:12	<b>6th</b> 10:19,24 11:6
5:10 7:7,25 11:21	<b>unnecessary</b> 8:25	<b>12</b> 1:15 4:1	
<b>suffice</b> 4:23	<b>unredacted</b> 8:24	<b>12th</b> 4:12	<b>7</b>
<b>sufficient</b> 8:8,11	<b>Users</b> 6:7	<b>1300</b> 1:18 2:4 3:15	
9:2	<b>Utilities</b> 1:2,5,17	<b>1325</b> 1:22	<b>8</b>
<b>Suite</b> 1:22 2:14 3:4	2:3 4:14 6:3	<b>1536</b> 3:10	<b>800</b> 1:24 2:14
3:10,15		<b>1750</b> 3:4	<b>80202</b> 3:10
<b>support</b> 9:11,16	<b>V</b>	<b>1840</b> 1:22	<b>846-6989</b> 1:24
<b>SW</b> 2:4 3:4	<b>Van</b> 3:4	<b>1st</b> 6:8	<b>847-7721</b> 3:11
	<b>versions</b> 8:24,25		<b>9</b>
<b>T</b>	9:2	<b>2</b>	<b>9:30</b> 1:16 4:2,11
<b>T</b> 13:1,1	<b>VOLUME</b> 1:11	<b>200</b> 3:10	<b>9:40</b> 12:17
<b>Tacoma</b> 1:23	<b>W</b>	<b>2000</b> 2:14	<b>94612</b> 3:15
<b>take</b> 4:19 10:10	<b>want</b> 8:5,15	<b>2018</b> 1:15 4:1,12	<b>97201</b> 3:5
<b>talked</b> 10:2	<b>wanted</b> 5:24	<b>2019</b> 11:3	<b>977-5779</b> 3:16
<b>Taylor</b> 1:20 13:6,13	<b>Washington</b> 1:1,17	<b>206</b> 1:23 2:15	<b>98101</b> 1:22
<b>tcp@dvclaw.com</b>	1:18,22 2:3,5,9,14	<b>2101</b> 3:15	<b>98104</b> 2:14
3:6	2:20 4:1,14 13:3,7	<b>235-0111</b> 1:23	<b>98504</b> 1:18 2:5,9
<b>testimony</b> 10:7	<b>way</b> 3:4 6:9	<b>23rd</b> 11:1	<b>99220</b> 2:20
<b>thank</b> 4:21,25 5:7,9	<b>we're</b> 4:7 10:19	<b>241-7242</b> 3:5	
5:15,22 7:10 8:11	<b>Webster</b> 3:15	<b>253</b> 1:23	
12:6,8,10,12,16	<b>Western</b> 5:13 6:4	<b>287-9066</b> 1:23	
<b>thing</b> 5:24	6:14,22 7:4,12,18	<b>29th</b> 11:3	
<b>think</b> 6:10	<b>witness</b> 11:2		<b>3</b>
<b>three</b> 8:20,23	<b>work</b> 11:6 12:6	<b>3358</b> 1:20 13:13	
<b>THURSTON</b> 13:4	<b>works</b> 11:8	<b>360</b> 2:5,10	
<b>time</b> 4:11 10:5 11:2	<b>writing</b> 7:15	<b>3727</b> 2:19	
12:12	<b>written</b> 7:20		<b>4</b>
<b>today</b> 4:7 12:4,10	<b>www.buellrealti...</b>	<b>40128</b> 2:9	
12:12	1:25	<b>415</b> 3:16	
<b>touch</b> 8:5	<b>Wynkoop</b> 3:10	<b>430-2422</b> 2:15	
<b>transcript</b> 13:8		<b>450</b> 3:4	
<b>Transportation</b> 1:2	<b>X</b>	<b>495-4316</b> 2:20	
1:17 2:4 4:15			
<b>Treatment</b> 1:8	<b>Y</b>		
<b>true</b> 13:8			

