

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PACIFIC POWER & LIGHT
COMPANY

For an Order Approving a Change in
Depreciation rates Applicable to Electric
Property

DOCKET UE-180778

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING

**(Set for August 1, 2019,
at 9 a.m.)**

- 1 **NATURE OF PROCEEDING.** On September 13, 2018, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission in this docket a petition requesting approval of a proposed change to its depreciation rates applicable to electric property.
- 2 On November 21, 2018, the Company submitted a letter to this docket requesting the Commission commence an adjudicative proceeding and set the matter for hearing.
- 3 **CONFERENCE.** The Commission convened a prehearing conference at Olympia, Washington on December 20, 2018, before Administrative Law Judge Andrew J. O'Connell.
- 4 **APPEARANCES.** Matthew D. McVee, Chief Regulatory Counsel, Portland, Oregon, represents Pacific Power. Chris Casey and Sally Brown, Assistant Attorneys General, Olympia, Washington, represent Commission staff (Staff).¹ Lisa W. Gafken and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General's Office (Public Counsel). Tyler Pepple, Davison Van Cleve, P.C., Portland, Oregon, represents Boise White Paper, L.L.C. (Boise or Boise

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

White Paper). Matthew Gerhart, Staff Attorney, Denver, Colorado, and Marta Darby, Associate Attorney, Oakland, California, represent Sierra Club. Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

5 **PETITIONS FOR INTERVENTION.** Boise White Paper and Sierra Club filed petitions to intervene.

6 Absent objections to the petitions to intervene, the Commission finds that these petitioners have established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.

7 On December 20, 2018, the Commission experienced a power outage lasting the full time of the prehearing conference. This made the telephone bridge line in the Commission's hearing room ineffectual for any entity that reasonably expected the ability to enter a petition to intervene orally over the bridge line. Due to these circumstances, the Commission finds good cause to accept the filing of any additional petitions to intervene until the close of business on December 28, 2018, as well as any response to such a petition until the close of business on January 3, 2019.

8 **NOTICE OF EXTENSION FOR PETITIONS TO INTERVENE.** The Commission finds good cause to accept the filing of petitions to intervene in this proceeding through **5 p.m. on December 28, 2018.** Pursuant to WAC 480-07-355, parties may respond to any such petition. Parties' responses must be filed with the Commission by **5 p.m. on January 3, 2019.**

9 **DISCOVERY.** Discovery will be conducted according to this Order, the procedural schedule attached to this Order as Appendix B, the Protective Order, and the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

10 The Commission believes it will aid discovery in this case if every data request and each response thereto is shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

11 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

12 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket.
- (b) The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must also file **an original and three (3)** paper copies (with original signatures, if applicable) of the documents with the Commission by 5 p.m. on the next business day following the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable .pdf (adobe acrobat or comparable software) of each such exhibit. All hard copy filings must be mailed or otherwise delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250.

- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (andrew.j.oconnell@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

- 13 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on July 23, 2019.** The Commission requires electronic copies in searchable .pdf (adobe acrobat or comparable software), the original paper copy, and three (3) paper copies of the exhibits. If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable .pdf (adobe acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits. The paper copies of the exhibits also must be organized into sets that are tabbed and labeled.
- 14 **EXHIBIT LISTS.** With each submission of prefiled testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for their initial filing in this docket. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits by **5 p.m., July 23, 2019.**
- 15 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (andrew.j.oconnell@utc.wa.gov) and the other parties by **5 p.m., July 23, 2019.**

- 16 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this docket on **August 1, 2019**, at **9 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).
- 18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

Dated at Olympia, Washington, and effective December 21, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-180778**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Pacific Power & Light Company	Matthew D. McVee Chief Regulatory Counsel Pacific Power & Light Company 825 NE Multnomah Street, Suite 2000 Portland, OR 97232	(503) 813-5585	matthew.mcvee@pacificorp.com
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Public Counsel	Lisa W. Gafken Assistant Attorney General Washington State Attorney General's Office Public Counsel Unit 800 5th Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	lisaw4@atg.wa.gov PCCSeaEF@atg.wa.gov
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PARTY	REPRESENTATIVE	PHONE	E-MAIL
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Sierra Club	Matthew Gerhart Staff Attorney Sierra Club Environmental Law Program 1536 Wynkoop St., Suite 200 Denver, CO 80202	(510) 847-7721	matt.gerhart@sierraclub.org
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**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-180778**

EVENT	DATE
Pacific Power Petition and Testimony	September 13, 2018
Prehearing Conference	December 20, 2018
Prehearing Conference Order (Order 01)	December 21, 2018
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits	May 16, 2019
Initial Settlement Conference	May 21, 2019
Pacific Power Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ²	June 27, 2019
Discovery Deadline – Last Day to Issue Data Requests	July 15, 2019
Cross-Examination Exhibits, Witness Lists, and Time Estimates	July 23, 2019
Evidentiary Hearing	August 1, 2019 at 9 a.m.
Simultaneous Opening Briefs	August 23, 2019
Simultaneous Response Briefs	September 10, 2019
Pacific Power Requested Rate Effective Date	January 1, 2021

² Response time to data requests will be 5 business days.