## Docket No. UE-190324 - Vol. I

## In the Matter of: Puget Sound Energy

October 15, 2019



COURT REPORTING AND LEGAL VIDEO

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	RE THE WASHINGTON	Page 1	1	A P P E A R A N C E S (Cont.)	Page	3
	ND TRANSPORTATION COMMISSION Petition )DOCKET UE-190324	_	2 3	FOR COMMISSION STAFF: JOE DALLAS DANIEL J. TEIMOURI		
of (	)		4	JENNIFER CAMERON-RULKOWSKI (via phone) Assistant Attorneys General		
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For Approval of its Power Cost Adjusti Mechanism Report	tment )		7	joe.dallas@utc.wa.gov daniel.teimouri@utc.wa.gov jennifer.cameron-rulkowski@utc.wa.gov		
	ING, VOLUME I		8 9 10 11	FOR PUBLIC COUNSEL: LISA W. GAFKEN Assistant Attorney General Washington Attorney General's Office		
	es 1-84 ITIVE LAW JUDGE ANDREW O'CONNELL		12	Public Counsel Unit 800 - 5th Avenue, Suite 2000 Seattle, Washington 98104		
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10:00	0 A.M.		15 16	FOR THE ENERGY PROJECT: SIMON FFITCH (via phone)		
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		Page 2			Page	4
2         ADMINISTRATIVE L           3         ANDREW J           4         5           5         FOR AVISTA:           6         DAVID J. MI           7         Government           Avista Corpo         8           9         Spokane, W           9         Spokane, W           10         david.meyer           11         FOR PACIFIC POW           12         KATHERINE           13         McDowell R           419 SW 11ti         14           14         Fork PACIFIC POW           12         KATHERINE           13         McDowell R           419 SW 11ti         14           14         Fork PACIFIC POW           15         katherine@r           16         AJAY K. KU           Pacific Pow         17           18         Portland, Or           19         ajay.kumar@           20         FOR PUGET SOUN           21         DONNA L E           22         Perkins Coie           23         10885 NE Fi           8         Bellevue, W           23         10825 NE Fi	J. O'CONNELL EYER, ESQ. ef Counsel for Regulatory and tal Affairs oration '27 Sision Avenue, MSC-27 Vashington 99220 316 r@avistacorp.com VER: E A. McDOWELL Rackner Gibson PC th Avenue, Suite 400 regon 97205 924 mrg-law.com JMAR rer ntain Power Itnomah Street, Suite 1800 regon 97232 161 @pacificorp.com ND ENERGY: BARNETT e Jilding Fourth Street, Suite 700 /ashington 98004		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A P P E A R A N C E S (Cont.) FOR SIERRA CLUB: JESSICA YARNALL LOARIE (via phone) Senior Attorney, Sierra Club 2101 Webster Street, Suite 1300 Oakland, California 94612 (415) 977-5636 jessica.yarnall@sierraclub.com FOR NW ENERGY COALITION: MARIE BARLOW (via phone) Sanger Thompson PC 1041 SE 58th Place Portland, Oregon 97215 (503) 919-3779 marie@sanger-law.com		

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1	LACEY, WASHINGTON; OCTOBER 15, 2019	1	Loarie for Sierra Club.
2	10:00 A.M.	2	JUDGE O'CONNELL: And the Northwest Energy
3	000	3	Coalition?
4	PROCEEDINGS	4	MS. BARLOW: This is Marie Barlow with
5		5	Northwest Energy Coalition.
6	JUDGE O'CONNELL: Okay. Good morning.	6	JUDGE O'CONNELL: Thank you.
7	Let's be on the record. The time is approximately	7	I believe we have a representative from
8	10 o'clock in the morning on Tuesday,	8	every party. I want to start by saying we're not
9	October 15th, 2019.	9	pleased with any party or about the situation we find
10	My name is Andrew O'Connell. I am an	10	ourselves in. The timing of Staff's motion is
11	administrative law judge with the Washington Utilities	11	difficult, and the apparent lack of information being
12	and Transportation Commission, and I am co-presiding	12	shared is very disappointing. We determined this
13	with the Commissioners in Avista's general rate case and	13	hearing was necessary to help us decide the best option
14	ERM. And I will be presiding at this hearing on Staff's	14	going forward. The Commissioners would prefer to
15 16	motion to sever Avista's ERM from this general rate case	15 16	preside along with me, but their schedules didn't permit
10	and consolidate it with PSE's, Puget Sound Energy's, PCA and Pacific Power's PCAM.	17	it. Let's let's first address the elephant in
18	The Commission has yet to decide on how to	18	the room. The issue we want to address today is the
19	rule on Staff's motion. Thank you to all the parties	19	decision-making leading up to the 2018 Colstrip outage
20	for waiving the seven days notice so that we could have	20	and how the Commission can get the information it needs
21	this hearing today. We have a number of concerns and	21	to make a decision.
22	questions that we want the input from the parties in how	22	The three companies, Avista, Pacific Power,
23	to best resolve, but before we get to that, let's take	23	and PSE, are all co-owners of Colstrip, and each has
24	appearances, and short appearances are sufficient.	24	filed a separate case seeking to recover for power costs
25	Let's begin with the companies and Avista.	25	including costs related to the 2018 Colstrip outage. We
	Page 6		Page 8
1	MR. MEYER: Thank you, Your Honor. I want	1	are well aware that the companies' cases have a plethora
2	to make sure my mic is on. There we go. For Avista,	2	of different issues in them, which share little or no
3	David Meyer.	3	commonality. We're not holding this hearing because of
4	MS. McDOWELL: Katherine McDowell here on	4	these issues. We're holding this hearing because of the
5	behalf of Pacific Power.	5	2018 Colstrip outage decision-making. It's an issue
6	MR. KUMAR: Ajay Kumar on behalf of Pacific	6	that we may or may not decide is large enough to
7	Power.	7	outweigh the lack of commonality in the rest of the
8	MS. BARNETT: Donna Barnett on behalf of	8	filings.
9	Puget Sound Energy.	-	We see that in Avista's general rate case
10	JUDGE O'CONNELL: Thank you.	10	and ERM, we are going to be asked to make a decision
11 12	And for Staff? MR. DALLAS: Joe Dallas on behalf of Staff.	11 12	regarding prudency of decision-making leading up to the 2018 Colstrip outage. The burden is on Avista in that
13	MR. TEIMOURI: Daniel Teimouri on behalf of	13	case to show prudency and it is the burden of the other
14	Staff.	14	companies to show prudency and it is the builden of the other
15	JUDGE O'CONNELL: And Public Counsel?	15	concerned that we may not have sufficient information to
16	MS. GAFKEN: Lisa Gafken on behalf of Public	16	make a determination of prudency and keep in mind
17	Counsel.	17	whether ratepayers should pay for increased power costs
18	JUDGE O'CONNELL: And the Alliance of	18	that the companies incurred resulting from the outage.
19	Western Energy Consumes, AWEC?	19	This hearing is about how we, the the
20	MR. PEPPLE: This is Tyler Pepple for AWEC.	20	Commission, can get the information we need to make a
21	JUDGE O'CONNELL: The Energy Project?	21	decision. It's not just any longer the concern of Staff
22	MR. FFITCH: Simon ffitch representing The	22	and getting the information that it needs. We are
23	Energy Project.	23	concerned that we will not have sufficient information.
24	JUDGE O'CONNELL: Sierra Club?	24	And if we determine that the only way we're going to get
25	MS. YARNALL LOARIE: This is Jessica Yarnall	25	sufficient information is by consolidating the dockets,
1		1	

2 (Pages 5 to 8)

	Page 9		Page 11
1	then we might have to do that.	1	option.
2	All parties will have multiple chances to	2	I want to start by hearing from Staff three
3	speak at this hearing. I want the parties to stay	3	questions I want to put at this time to Staff. First, I
4	focused on the elephant in the room, the decision-making	4	want Staff to outline what information is lacking and
5	leading up to the 2018 Colstrip outage and how the	5	what they would need from the companies in order to make
6	Commission can most efficiently get the information we	6	a prudency determination.
7	need.	7	Second, I want to give Staff the opportunity
8	I'll allow at the end of the proceeding for	8	at this time to explain why it believes we have to
9	the parties to have input into anything that does not	9	consolidate Avista's ERM with PSE's PCA and Pacific
10	otherwise come up in the hearing related to this	10	Power's PCAM.
11	question, but I want the parties to stay focused on the	11	Last, is there another way, other than
12	topics we address when we address them. If, during the	12	through consolidation of these dockets, that Staff can
13	hearing, the parties believe a short recess is	13	envision getting the necessary information.
14	necessary, perhaps where they can discuss amongst	14	Mr. Dallas.
15	themselves, I would permit such a request.	15	MR. DALLAS: Thank you, Your Honor. So I
16	We see several options for moving forward,	16	will take each question in the order you presented them.
17	but, though, let's talk about the obvious ones to start,	17	So Staff's position is that the narrative
18	both of which have flaws. The first is, we keep	18	behind what happened leading up to the 2018 Colstrip
19	Avista's ERM with its general rate case and we keep the	19	outage is spread across three dockets. Staff would like
20	dockets all separate. The problems that we see with	20	to tell this narrative to the Commission; however, Staff
21	keeping Avista's ERM with its general rate case is that	21	cannot provide this narrative pertaining to what
22	the issue of decision-making leading up to the 2018	22	happened without referencing confidential information
23	Colstrip outage is also an issue in PSE and Pacific	23	within each docket.
24	Power's filings.	24	Staff believes the information it would like
25	While we were making only a decision as to	25	to reference would not be considered confidential among
	Page 10		Page 12
1	Avista in its ERM docket, the problem is that we were	1	the companies as joint owners of Colstrip. This is
2	only making a decision as to Avista, while PSE and		
		2	because this information relates to the operation and
3	Pacific Power are also co-owners of Colstrip. Having to	3	management of Colstrip. Staff cannot provide a complete
4	Pacific Power are also co-owners of Colstrip. Having to make three different evaluations and determinations of	3 4	management of Colstrip. Staff cannot provide a complete narrative of what happened during the 2018 outage in
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3 (Pages 9 to 12)

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	Page 13		Page 15
1	ability to use that information in the other two	1	different based off the incongruity in the record. We
2	dockets. And and just to make this clear, Staff must	2	believe that a consolidated adjudication can deal with
3	make its recommendation based on the individual	3	these confidentiality issues in one proceeding so we can
4	administrative records in each power cost filing.	4	have the information pertaining to what happened before
5	Although the companies disagree, Staff's	5	the outage, and specifically what Talen did prior to the
6	position is that it would like to tell one narrative	6	outage given the fact that we believe the outage was
7	about what happened. If the individual companies did	7	foreseeable.
8	something different than the other ones, Staff would	8	And also, I think there's a judicial economy
9	acknowledge this distinction within its single	9	aspect as well. It'd be much easier from a from a
10	recommendation. Staff believes the Commission needs to	10	resource perspective for the Commission to to make
11	hear the complete narrative that is spread across the	11	this determination in one proceeding as opposed to
12	three dockets to provide a result that's fair, just, and	12	to to three separate proceedings on on on
13	reasonable.	13	really the same cost and the same parties, the Colstrip
14	As to specifics, Staff would propose a	14	owners.
15	two-tiered level of confidentiality in the consolidated	15	JUDGE O'CONNELL: There might be some
16	adjudication. The first tier would be confidential	16	judicial economy having the decision made in one
17	information that is not confidential among the Colstrip	17	proceeding, but we're operating under a timeline that
18	owners relating to the operation and management of	18	makes it rather tight and difficult.
19	Colstrip.	19	MR. DALLAS: So so so Staff's position
20	The second layer of confidentiality would be	20	is is we do not want consolidation to prejudice
21	confidentially commercially sensitive information that	21	Avista at all. We it's very important to us that any
22	would be confidential amongst the Colstrip owners.	22	consolidated adjudication wrap up before April 1st. We
23	We believe that this two-tiered level of	23	believe this consolidation this consolidated
24	confidentiality will accomplish the goal of giving Staff	24	adjudication will be narrowly focused on one issue, and
25	the information to give the Commission the best	25	that's going to be what happened before the Colstrip
	Page 14		Doco 16
	Page 14	1	
_			Page 16
1	recommendation and preserving the companies' individual	1	outage. And and and this could be a very
2	recommendation and preserving the companies' individual commercially sensitive information.	2	outage. And and and this could be a very expedited proceeding. And it's very important to Staff
2 3	recommendation and preserving the companies' individual commercially sensitive information. JUDGE O'CONNELL: Let me let me stop you	2 3	outage. And and and this could be a very expedited proceeding. And it's very important to Staff that this wrap up before the suspension date and the
2 3 4	recommendation and preserving the companies' individual commercially sensitive information. JUDGE O'CONNELL: Let me let me stop you just for a moment and back up. So I'm hearing a lot	2 3 4	outage. And and and this could be a very expedited proceeding. And it's very important to Staff that this wrap up before the suspension date and the GRC.
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4 (Pages 13 to 16)

	Page 17		Page 19
1	preference would be would be to have one protective	1 there w	vas a a common hearing, a common process
2	order, and in that one protective order, we would we		that happened. And that might address some of
3	would figure out how we deal with the confidentiality		comfort with the confidentiality between the
4	among the Colstrip owners. Now, if the Commission	4 compa	nies, but it would also foster the judicial economy
5	doesn't go that route, we're going to have to fight		ng to deal with this in one proceeding.
6	every individual designation so we can have three	6	I hear what Staff is saying about having to
7	identical administrative records so we can tell the same	-	I the confidentiality designations. I'm not
8	story. Staff Staff thinks it's it doesn't make		my idea helps with that, particularly if the
9	sense for us to have three completely different	•	nies continue to be somewhat inconsistent with how
10	recommendations based off what the companies provide or	-	providing the information, but that's that's
11	or or or refuse to provide.		n idea.
12	So I I think it would be an uphill battle	12	I did want to address briefly the piece of
13	to try to get three identical administrative records. I		Counsel's advocacy that might be more appropriate
14	think it would be much easier if we just have one		GRC versus Avista's ERM. I have one witness
15	protective order and have that two-tier two-tiered		addressing both of those concepts. The the
16	level of confidentiality, and then we can tell our story		ot of directional bias, that that's the piece
17	and and and protect the companies' confidential		build potentially go into the GRC versus staying
18	information at the same time.		e ERM, and if we separated that out that would
19	JUDGE O'CONNELL: So no, there isn't another		ind of the commonality intact among the three
20	idea that Staff has how to get this how to get this	20 compa	
21	information other than consolidate them?	21	Our testimony there is really more
22	MR. DALLAS: So the other option would be to		ative. It it we're not offering it for
23	fight every individual designation in an attempt to get		onal purposes. We could sever that piece of the
24	three identical administrative records in the three		ony and with the Commission's permission, file
25	dockets pertaining to the same cost. So it it it	25 that in	the GRC. It's relatively short. It's about
	Page 18		Page 20
1	is possible, but, you know, the legal standard we're	1 that po	prtion of the testimony is approximately ten
2	dealing with among among them is judicial economy,		, and there's five exhibits that go along with it.
3	and it's much more efficient to have one protective		believe that Avista would be prejudiced. We
4	order that protects all the companies and allow Staff		d what that testimony would say in the letter
5	and the Commission to have the relevant information.		e filed on October 3rd outlining what issues we
6	MR. TEIMOURI: Excuse me, your Honor. Dan		anticipating on on filing. So I think that
7	Teimouri with Commission Staff. We could also issue		would be plenty of opportunity to respond and no
8	bench requests relating directly to this information to		lice in that case, but we we could sever that
9	the companies and and ask them directly for the		of our testimony out and provide that to the
10	requested information.	•	hission through the GRC and then keep our Colstrip
11	MR. DALLAS: But but I'm not sure if that		separate and deal with that in the ERM proceeding
12	would resolve the confidentiality issues but		evered and consolidated with the other three.
13	JUDGE O'CONNELL: Okay. Let me let's	13	Did you want me to to address your second
14	turn to Public Counsel. Ms. Gafken, the same questions	14 questi	on in terms of why consolidation is is
15	generally for Public Counsel, is there another way you	=	sary or
16	can envision getting the information needed without	16	JUDGE O'CONNELL: Well, I think
17	consolidating?	17	MS. GAFKEN: want me to stop there?
18	MS. GAFKEN: I did have one other idea. I'm	18	JUDGE O'CONNELL: it was more aimed at
19	not certain that it's much better than the consolidation	19 Staff -	
20	idea. The Commission has conducted proceedings that are	20	MS. GAFKEN: Okay.
21	not consolidated but conducted simultaneously. So that	21	JUDGE O'CONNELL: the proponent of
22	was done I don't have the docket numbers at hand, but	22 wantin	g to consolidate. If you think that's the best
23	a Puget filing back in 2012 or 2013 where they had an	23 option	, I would be interested to hear that. I I do
24	ERF and a decoupling docket. Those dockets were not	24 have a	a question, though, about your suggestion with
25	consolidated, but they were held simultaneously. So	25 sharin	g a common procedural schedule for the separated

5 (Pages 17 to 20)

dockets and, you know, having them together but keeping         with informal discovery. Our - our engagement with           discussion         with informal discovery. Our - our engagement with           have any trubule, any contrust much you decided that those         forward           items stay separate. And fm curious, do you think we would         forward           forward         forward           geptoch         fm being one consolidated, and one that companies           fit being transperency. If you would have one necord to del with instead of three,         fm and that way. But there is - there is a present here for fits           fit being transperency. If you would have one necord to del with instead of three,         fm and that is to are to fits being           fit hose transperency. If you would have one necord to del with instead of three,         fm and that is a late to any. If you would have one necord to del with instead of three,           fit he kreate ERM filling, but, you know, Staff has         and there of the commission needs in order to make a decision, you know, in the spect to avisa's ERM, fm not of the commission needs in order to make a decision, you know, in the spect to avisa's ERM, fm not of the commission needs in order to mank		Page 21		Page 23
2         them separate. And I'm curious, doyout think we would have a protoble, any contribution making sure that these tiems stay separate when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and ther when they get head in front of commission and there when they get head in front of the higgs because in my mind, it is consolidated, and the design probability because in my mind, it is consolidated, and the separate. If does low like its consolidated, and so I think its hard to understand so the have to produce three orders, you know, if you are theories to be lot front on the you set the king separate. If does low like its the have to produce three orders, you know, if you are consolidated, and so I think its hard to understand so the lob below that consolidation would be more efficient. It would solve a king stop on the colstip outage, at this time, we do not, and have on erecord to deal with insets of theres. You would have one record to deal with insets of the exerts the advista ERM filing, but, you know, Staff has expressed some pretty serious concerns that pretably consolidation, you know, one doth are a a decision, And – and that reagly gets b, you know, concerns about the – the regulatory system and public true and transpretably. Staff sta the know seare thing we can work through. Staff the commission with respect to Avistas ERM filing the possible to have another protection related to the companies. The work integet contraining we share the contraining we share the filing were consolidation. You know, ne doe and walky prover cost d	1	-	1	
3         have any trouble, any confusion making sure that those         is ensure adequacy issue. To course, if these three           6         inerestity superate when they get head in front of         convestity issue for course, if these three           7         in the superate when they get head in front of         convestity issue. To course, if these three           7         in the superate when they get head in front of         convestity issue. To course, if these three           8         approach if three get nearing issue in the superate when they get head in the superate when its issue in the superate when its issue.         issue for the Commission.           9         approach if three get nearing is aparate.         issue for the Commission issue.         just issue for the Commission.           10         bit illusory bocause in my mind, it is consolidated, and to think is hard to understand so         it does be as convertaints when hey get head in the summa superate participating in this           11         consolidation, would heat consolidation would heat         in the closenty outage and there, and the wents           10         bit is a convert superate when they get head in the wents           11         the discussion.         interested in participating in this discussion.           12         more efficient. It would solve a lot of those problems.           13         fried counstrains.         fried counstrains.           14         the di				
4         tierns size separate when they get heard in front of         cases are consolidated, wwill fully participate and go           6         nmy review of that example you gave, that caused a big         second you gave, that caused a big           7         issue for the Commission and then whon they get dociding.         forward that way. But there is - there is a pretty           9         approach if im being completely frank. it's a little         forward that way. But there is - there are a number of           11         ti does pose some administrative hassles on the         forward that way. But there is a pretty           12         dociding-making tide in theres of having - you still         forward that way.           13         have to produce three orders, you know, if you are         forward that way.           14         it does look like it's         for the companies           15         consolidated, and so it hink it's hard to understand so         for the contrainton.           16         it lacks transprency. 'I you're soe public boking in.           17         fin not sure that they fully understand of theo.           18         in that circumstance.         fit and sure that consolidation would be           19         uses sol, would have on econtron story that needs to be told with           10         to believe that         fit de question is whether we intend to fit hequeston that is time, we do not,				
<ul> <li>Commission and then when they get decided? Just because         <ul> <li>immy review of that areany by our gave, that caused a big issue for the Commission later on.</li> <li>MS. GAFKEN: 1-1 think it's a flawed</li> <li>gaproach if m being completely frank. It's a liftee discussion is the complete frank. It's a liftee discussion is the brains, thank you, but they also indicated that they decision-making side in terms of having - you still</li> <li>have to produce three orders, you know, if you are that they tuly understand son the discussion is the complete frank. It's hard to understand son the discussion is the complete frank. It's hard to understand son the discussion is they tuly understand what's going on in that is consolidated, and so I think it's hard to understand son the discussion.</li> <li>the discis transparency. If you're use public looking in, it in that circumstance.</li> <li>The not sure that they tuly understand what's going on in this discussion.</li> <li>the discussion is whether we inhed to life testimony on the colstrip outage, at this time, we do not, at they due to outage, at this time, we do not, at they understand what's going on the colstrip outage, at this time, we do not, at they due to outage, at this time, we do not, at they due to that outage. There are alternatives to consolidation would be to tot with they are a clear story, or the full story, with are a clear story, or the full story, with are a clear story, or the full story, with are a clear story, or the full story, with are a clear story, or the full story, with they exel consolidated. And so they due to the complete story or that the as all they understand what's going on the colstrip outage at they due to the disting wet and the mere as a due as only, or the full story, with respect to waits the remark they tuly understand what's going on the colstrip outage at would would we any the respect to waits the complex story or that</li></ul></li></ul>				
6       in my review of that example you gave, that caused a big       5       serious resource a dequayed size in dealing with all of the hing stat come before the Commission.         7       issue for the Commission later on.       JUDGE O'CONNELL: Okay. Thank you.         8       MS. GAFKEN: 1 – I think it's a flawed       3         9       approach if I'm bing completely frank. it's a flite       10         11       it does poes some administrative hassles on the       11         12       dociain-making side in terms of having - you still       11         13       have to produce three orders, you know, if you are       12         14       keeping it segarate. It could solve late it's       13         15       consolidated, and sol think it's hard to understand so       15         16       it lacks transperancy. If you're log public locking in,       17         17       Tho to sup hat the complete to consolidation would be       16         18       near ent the triting understand three,       16         19       To believe that consolidation would be       17         10       belaining up that outage. From Public Consel's       17         10       perspective, we have a story to tell       18         11       the Avista ERM filing, but, you know, Staff has       expressed som epretty serious canones in				
7       issue for the Commission later on.         8       MS. GAFKEN: 1- think its a little         9       approach if meeing completely framk. Its a little         10       bit fluscy because in my mind, it is consolidated, and         11       the things that come before COCNNELL: Okay. Thank you.         12       decision-making side in terms of having - you still         13       have to produce three orders, you know, if you are         14       keeping it separate. It does look like it's         15       consolidated, and sol think it's hard to understand soi         16       it lacks transparency. If you're Joe public boking in.         17       If more term of you have that were ready to tell in         18       dobelieve that consolidation would be         19       I do believe that consolidation would be         10       in that circumstance.         11       have to produce three orders boy dawn, you have a consolidation would be         10       in that circumstance.         11       in that circumstance.         12       You would have one record to deal with instead of three, and it matory that needs to indifie         14       dobelieve that consolidation would be         15       dobelieve that consolidation would be         16       thave toreastroy, orth at indesto				
<ul> <li>MS_GAFKEN: 1- think it's a flawed</li> <li>approach if Im being completely frank. It's a little</li> <li>bill layory because in my mind, it is consolidated, and</li> <li>ti does poes some administrative hassles on the</li> <li>decision-making side in terms of having - you still</li> <li>have to produce three orders, you know, if you are</li> <li>keeping is esparate. It consolidation would be</li> <li>consolidated, and so I think it's hard to understand so</li> <li>ti lacks transparency. If you're Jooe public looking in,</li> <li>If more efficient. It would solve a lot of those problems.</li> <li>You would have one creat to devid with instead of three,</li> <li>and there is a common story that needs to be told with</li> <li>respect to the Colstip outage and the and the events</li> <li>leads tarks ERM filing, but, you know, Staff has</li> <li>expressed some prefix serious concerns that prehaps we</li> <li>don'th respect to all three of the companies.</li> <li>So while I feel like I have a story to tell</li> <li>the Avista ERM filing, but, you know, Staff has</li> <li>expressed some prefix serious concerns that prehaps we</li> <li>don'th respect to all three of the companies.</li> <li>So while I feel like I have a story to tell</li> <li>the commission with respect to avist's ERM, I'm not</li> <li>certain that it's the complete story or that it has all</li> <li>the information that the Commission needs in order to</li> <li>make a decision. And - and that reality os tory out</li> <li>the commission does not know, the</li></ul>				
9       approach if Im being completely frank. It's a little       9       I am aware that there are a number of         10       bit illusory because in my mind, it is consolidated, and       10       parties on the bridge line who are present here for this         11       the portion of the consolidated, and       10       parties on the bridge line who are present here for this         12       the portion of the consolidated, and       11       hearing, thank you, but they also indicated that they         12       the portion of the consolidated, and of think it's hard to understand so       11       hearing, thank you, but they also indicated that they         13       that they fully indestand whars going on       11       hit is discussion?         14       the orders vant much with signal of the consolidation would be       10       more efficient. It would solve a tot those problems.         14       the Avista ERM filling, but, you know, Staff has       10       liguess I would asy if you know, in         15       perspective, we have a story that we're ready to tell in       11       guess I would asy if you know, in         16       the Avista ERM filling, but, you know, Staff has       11       guess I would asy if you know, in         17       response to youryour first question about whether       11       12         18       the Avista ERM filing, but, you know, Staff has				
10       bit illusory because in my mind. It is consolidated, and it does pose some administrative hassles on the indige line who are present here for this hearing, thank you, but they also indicated that they were not going to be really participating in this document. They also indicated that they were not going to be really participating in this document. They also indicate they fully understand what's going on in that circumstance.       10       participating in this         10       to believe that consolidation would be more efficient. It would solve a lot of those problems.       Not would have one react to doal with instead of three, and the events       Not would have one react to doal with instead of three, and the events         11       the Avista EFM fling, but, you know, Staff has expressed some pretty serious concerns that partiapating that's something that' is something that' is something that' is something that's the complete story or that that's a ford three, and that ready to theil is substand three, and the events       1       I guess I would say if you know, in         12       respect to all three of the commands on that the farmation that the farmation that the Commission meeds in order to make a decision. And - and that ready to tell       1       I guess I would say if you know, in         13       expressed some pretty serious concerns that parhaps we don't have a clear story, or the full story, with       1       I guess I would say if you know, in         14       expressed some pretty serious concerns that perhaps we don't have a clear story, or the full story, with       1       1       I guess I would say if you know, in <t< td=""><td></td><td></td><th></th><td></td></t<>				
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6 (Pages 21 to 24)

	Page 25	Pa	ge 27
1	is now willing to stipulate that if these dockets are	1 start with that as an article of faith, you then find a	
2	consolidated, the only issue it will contest is the	2 way to navigate through that, navigate through the	
3	prudency of the replacement power cost associated with	3 confidentiality issues. And I think there are ways to	
4	the 2018 Colstrip outage. With this stipulation,	4 do that.	
5	though, Staff would like to consolidate the entire	5 I I'm not going to reargue because we're	
6	dockets because the Commission has to improve the entire	6 vectoring in, if you will, on on a more precise	
7	deferral balances in each docket. It doesn't make sense	7 Colstrip issue here, but I want to emphasize that w	/hen
8	to sever individual issues in each docket if the	8 we filed the ERM six months ago, that triggered ve	ery
9	Commission needs to ultimately improve the entire	9 extensive discovery and over 150 separate items 1	from
10	deferral balances. And with that, we we would like	10 Staff and a hundred from other parties involved in	the
11	to hear what the companies thoughts are on Staff's	11 production of 600 documents and countless hundr	eds of
12	proposed stipulation.	12 hours of Avista, Staff time. I stand to be corrected	l,
13	JUDGE O'CONNELL: Well, before we get there,	13 but I don't believe we objected to any or if we did	
14	let's say that the companies reject your offer, but the	14 object to any of the discovery, that I know there wa	asn't
15	Commission decides we have to consolidate these anyway,	15 a motion to compel, but I don't believe we even	
16	can we hold Staff to this only one issue is going to be	16 objected. Now, whether the responses were suffic	cient or
17	contested if this gets consolidated?	17 not, that's I guess in the eye of the the reader.	
18	MR. DALLAS: I I I believe so. That's	18 So we've had, you know, five months of	
19	Staff's position, and, you know, we we certainly want	discovery, ongoing, extensive discovery, and wit	
20	to address the Commission's concerns and the companies'	20 multiple rounds. There haven't been any motions	
21	concerns about commonality. In preparation for this	21 compel in terms of what Avista did or didn't provide	
22	hearing, Staff looked at every filing, and we do not	They the the Company, I think, has really done	ea
23	believe any other costs ought to be included included	23 masterful job of dedicating the resources. And	
24	in the 2018 deferral balances were imprudent, so	24 and and I can speak, I guess, candidly here is th	
25	therefore, we would propose that the consolidated	frankly, there was a lot of angst within the Compar	ıy
	Page 26	Da	
	rage 20	14	ge 28
1			
1 2	adjudication would be focused on a very narrow issue and	1 about how much effort was being expended. And	
	adjudication would be focused on a very narrow issue and can be resolved before April 1st given that this is the	<ol> <li>about how much effort was being expended. And</li> <li>proponent, and the Company understood that it's</li> </ol>	l was a
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7 (Pages 25 to 28)

	Page 29		Page 31
1	today, another week or so. It's not up to me to say	1	\$30 million tipping point.
2	we've gone by, and we will have lost essentially three	2	So I hope that gives you some useful
3	weeks on our agreed upon schedule.	3	information as to why we're so keen on keeping these two
4	And in that process and there's a reason	4	proceedings marching in lockstep. It's it's not just
5	I'm laying this out, because it may play into some	5	important for us or important to the efficient use of
6	alternative suggestions later on. But in that process,	6	your resources here, but it's important to our customers
7	we have not disturbed the December 11th through 13th	7	as well. And the time's long since passed for that
8	hearing dates, nor do we want to. That was for the	8	bucket to be to be dumped.
9	general rate case and for the ERM. But what this	9	So that's all by way of background. What
10	three-week delay has caused is a shrinkage of time for	10	what troubles me a bit is that and, again, I can't
11	us to respond. We had a late we had a November 6th,	11	and won't speak to what has been going on in the Puget
12	I believe, date for a response, and now we're being	12	and the PacifiCorp dockets. I don't know what the
13	pinched. So some adjustment, no matter what, if they	13	procedural posture is of those two dockets. I have not
14	remain consolidated in Avista's general rate case needs	14	talked to the practitioners on my left, and I I won't
15	to be made. And depending on which way the Commission	15	pretend to. But I know that the Commission has
16	goes, there are ways to do that. It's not the end of	16	recognized discovery tools. Those tools could be
17	the world, there are ways to do that without disturbing	17	motions to compel, there were no motions to compel for
18	the general rate case.	18	Avista, and in due course, if it was necessary to have a
19	At the end of the day, what matters to	19	motion to compel with respect to another issue, another
20	Avista is April 1 of next year. That is the date our	20	company, well, so be it, I don't know. So you have
21	new rates would go into effect, and that is the date	21	that. And it it's it's a readymade tool, and
22	that we want to empty this bucket. We have a \$30	22	somebody else mentioned bench requests, so there are
23	million bucket of ERM dollars that we've been accruing	23	ways of getting at this information.
24	at really since 2005, I believe it is. And under the	24	It it it seems to me that let
25	ERM mechanism, you don't tip that bucket, you don't	25	let me back up a minute. Common issues are not uncommon
		<u> </u>	
		1	
	Page 30		Page 32
1	empty that bucket until you trip the lid, and that lid,	1	with Colstrip. Every rate case not every rate case,
2	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million.	2	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of
2 3	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming	2 3	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too
2 3 4	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming there were no issues, assuming there were no issues at	2 3 4	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too much to sustain Colstrip beyond any, in their view,
2 3 4 5	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming there were no issues, assuming there were no issues at all, that bucket would have approximately \$34 million	2 3 4 5	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too much to sustain Colstrip beyond any, in their view, reasonable termination date. Of course that involves
2 3 4 5 6	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming there were no issues, assuming there were no issues at all, that bucket would have approximately \$34 million bucket would have have been dumped, proceeds could go	2 3 4 5 6	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too much to sustain Colstrip beyond any, in their view, reasonable termination date. Of course that involves capital. But those kind of propositions were tested in
2 3 4 5 6 7	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming there were no issues, assuming there were no issues at all, that bucket would have approximately \$34 million bucket would have have been dumped, proceeds could go where they belong and that's into the pockets of our	2 3 4 5 6 7	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too much to sustain Colstrip beyond any, in their view, reasonable termination date. Of course that involves capital. But those kind of propositions were tested in Idaho with Avista. Those capital spending decisions are
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2 3 4 5 7 8 9 10 11 12 13 14	empty that bucket until you trip the lid, and that lid, as I said, is \$30 million. With this ERM filing, we will assuming there were no issues, assuming there were no issues at all, that bucket would have approximately \$34 million bucket would have have been dumped, proceeds could go where they belong and that's into the pockets of our customers. Even if, even if one were to subtract out the roughly three and a half million of Colstrip ERM-related dollars from that \$34 million figure, it would still trip the lid. So no matter what, we don't want that date, with or without the Colstrip issue in this case, to go by so that we can't see some mitigation for our	2 3 4 5 6 7 8 9 10 11 12 13 14	with Colstrip. Every rate case not every rate case, but in the last several rate cases, some party in one of our jurisdictions has argued that you're spending too much to sustain Colstrip beyond any, in their view, reasonable termination date. Of course that involves capital. But those kind of propositions were tested in Idaho with Avista. Those capital spending decisions are made jointly by those of us in the room along with Talen and other owners. We don't find ourselves when we're arguing over capital, common capital decisions struggling with consolidation and confidentiality. So I'm a little surprised we found ourselves at this point at this time. And certainly for Avista surprised that it is at the
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8 (Pages 29 to 32)

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1	that invitation, let us know. Let us know. And that	1	continue to provide that information to Staff.
2	was done I I'm I'm guessing five, six weeks ago in	2	Now, I do want to say that where we're at
3	plenty of time, in any event, for us to then sit down	3	right now is in the informal process. And so the first
4	and and and sensibly resolve these discovery	4	step, I believe, is to move to the adjudicatory process
5	disputes.	5	so we can get a protective order in place. And I and
6	So I think that after you've heard from the	6	I thought it was quite constructive in Staff's motion
7	other parties and at some point this morning, I would	7	that Staff indicated that through the adjudicative
8	like to propose a break and explore a a possible	8	process, it believes that the discovery process that's
9	process that would bring alignment to the companies,	9	afforded in adjudication will allow Staff to obtain the
10	because remember, the companies haven't had a chance to	10	necessary information to provide a more detailed
11	discuss this among ourselves, and there may be ways we	11	recommendation to the Commission on the prudence of
12	can assist and help work this through. So a recess at	12	these costs.
13	some point I think would be in order because no reason	13	So I think, you know, just the first step is
14	why we can't come to terms with this today.	14	adjudication and going into that, and we we haven't
15	JUDGE O'CONNELL: I do appreciate that,	15	even gotten to that step yet. So I think Staff
16	Mr. Meyer, and I we were hoping that by getting the	16	acknowledges that will be a material step to, you know,
17	parties here together, either on the bridge line or here	17	being able to really get the kinds of information they
18	in person, that we might be able to facilitate some	18	need from PacifiCorp. PacifiCorp has already filed a
19	resolution that could be beneficial for everyone. So	19	protective order and hopes to have it entered as a part
20	thank you. I appreciate that sentiment.	20	of the opening of the adjudicatory process, and we are
21	Let me turn now to Pacific Power.	21	certainly open to discussing a modified protective order
22	Ms. McDowell and Mr. Kumar, how do we of course,	22	that would have the tiers that your that Staff
23	the the Commission, we're we're primarily focused	23	mentioned this morning.
24	on how we're going to get the information that we need	24	I think in our response, you know, we tried
25	in order to make, as Mr. Meyer says, you know, get the	25	to respond as constructively as we could to the concerns
	Page 34		Page 36
1		1	
1 2	right information to make the right decision. Let's	1 2	we were hearing from Staff about overlapping cases and issues and workload issues and then this discovery
3	we want to get the decision right. Wanted to hear what ways you can think of that we can get this information	3	issue. And our our our response was well, let's
4	without having to consolidate.	4	see if we can just work on conversations where we would
5	MS. McDOWELL: Yeah. You know, Judge, we	5	agree to allow discovery that is not confidential just
6	really appreciate that question, and I would say that	6	as to PacifiCorp, but only confidential among the owners
7	that is a question that we have been focused on in the	7	
8	-		to be shared.
0	last couple of months as well. You know, just just		to be shared. So I think our our response attempted to
	last couple of months as well. You know, just just to maybe point out the obvious, the parties are not	8	So I think our our response attempted to
9	to maybe point out the obvious, the parties are not		So I think our our response attempted to try to make the same overture, that that if that's a
	to maybe point out the obvious, the parties are not similarly situated in part because our filing came many	8 9	So I think our our response attempted to try to make the same overture, that that if that's a reasonable process we can agree to we're you know, if
9 10	to maybe point out the obvious, the parties are not	8 9 10	So I think our our response attempted to try to make the same overture, that that if that's a
9 10 11	to maybe point out the obvious, the parties are not similarly situated in part because our filing came many months after Avista's and also after Puget's. So, you	8 9 10 11	So I think our our response attempted to try to make the same overture, that that if that's a reasonable process we can agree to we're you know, if the information is information that the co-owners
9 10 11 12	to maybe point out the obvious, the parties are not similarly situated in part because our filing came many months after Avista's and also after Puget's. So, you know, we are in the place where we are still trying to	8 9 10 11 12	So I think our our response attempted to try to make the same overture, that that if that's a reasonable process we can agree to we're you know, if the information is information that the co-owners already have, then I think we can work around the normal
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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to maybe point out the obvious, the parties are not similarly situated in part because our filing came many months after Avista's and also after Puget's. So, you know, we are in the place where we are still trying to understand what information Staff needs and working to provide it to Staff. One of the ways that we tried to do that and cut through some of the noise was to set a workshop where we really had some dialogue with Staff in a more open-ended way, in a way that I think is usually more constructive than just, you know, dueling data requests and responses. And I'm hoping I I feel like that was a constructive step. I'm hoping that we can continue to, you know, really understand what it is that Staff's focused on. I think we now understand that it's	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	So I think our our response attempted to try to make the same overture, that that if that's a reasonable process we can agree to we're you know, if the information is information that the co-owners already have, then I think we can work around the normal limitations of the protective order, and we would be willing to do that. That was one of our responses. So in our in our response is before we went to what we think is a fairly drastic and awkward step of consolidation of disparate proceedings, we thought adjudication, we thought a modified protective order or some kind of collaborative process, and and frankly, you know, to avoid overlapping cases and the challenges associated with that, I mean, normally the Commission has takes these issues one at a time for each utility, creates the record, and makes a decision

	Page 37		Page 39
1	certainly cite that as a precedent, and that would need	1	haven't had bench requests, those are available. An
2	to be distinguished by the next utility. If it goes the	2	in-camera review of documents, an order to compel,
3	other way, then Staff would need to argue why that	3	workshops, even even depositions if we're talking
4	precedent doesn't apply, but you've already you're	4	about a narrative. That's certainly an opportunity I
5	not relitigating every issue, you're trying to say that	5	mean, an alternative that Staff has available
6	that precedent decided, in this case it would be Avista,	6	available in an adjudicative proceeding.
7	Avista would go first. When we would presumably next	7	I think what we're we have I do want
8	get to Puget's case, Puget would be able to say why or	8	to mirror what Mr. Meyer said, Puget has similarly
9	why not that decision applies to it or not.	9	requested information, specific information what it
10	I mean, it's a that's the normal process.	10	what it is it's lagging. We Puget is unclear about
11	We have overlapping issues in cases regularly, and we	11	what it does not have or what it has not given, and we
12	usually deal with them by deciding the issue in the	12	have not also received an answer to that specifically,
13	first case filed, and then the parties are left to deal	13	but so we don't think that the discovery process is
14	with the precedent in the preceding cases. You know, we	14	over. And even Mr. Pepple's recommendat just option
15	don't usually start all over again.	15	of a protective order that applies just to the Colstrip
16	So that that to me seems like a process	16	is an intriguing thought, that maybe some in between
17	that would work here, and I guess in terms of you're	17	that doesn't need to be doesn't require a
18	trying to find solution space, that's ours. It's really	18	consolidation.
19	just doing it the way we usually do it, but I think here	19	But I think it's a big deal to consolidate
20	with the innovative approach on the protective order,	20	these cases now. Even even if Avista weren't so far
21	that would allow common confidential information to be	21	along in their rate case, but just consolidating
22	shared among the individual dockets.	22	multiple utilities in power cost proceeding, which has
23	So I guess just in closing, we'd like to say	23	never been done in 17 years of doing it, is a very big
24	that, you know, we are still engaged in the discovery	24	deal for for, what, maybe one document or one piece
25	process. Our last discovery, you know, our our	25	of information that I think we can address and get
	Page 38		Page 40
1	workshop with Staff was just at the end of last month.	1	get to Staff and get to the Commission short of setting
2	We've filed additional follow-up responses out of that	2	a a big precedent for for future consolidation.
3	workshop just a couple weeks ago. You know, we would	3	So I don't think I have anything other to
4	we look forward to even a deeper discovery process once	4	add except I agree with Ms. McDowell that we should take
5	we have a protective order in place and an adjudication	5	this I sense that there was some urgency when Staff
6	that's opened. So so we think this process can work,	6	has to file testimony and the GRC is is gearing up
7	and we think ultimately it will end up being the	7	for Avista that but we should still try separate
8	cleanest and least complex way of dealing with what is	8	steps first and what can we get through with just the
9	admittedly a complex issue for the Commission. Thank	9	adjudicative process.
10		10	JUDGE O'CONNELL: Staff has an idea at the
11 12	JUDGE O'CONNELL: Thank you.	11 12	outset of their suggestions, and I'm curious what the
13	Puget Sound Energy, Ms. Barnett. MS. BARNETT: Thank you, Judge O'Connell.	13	companies think about it. Should the Commission, if we decide we don't want to consolidate these dockets but we
14	First, I'd like to thank you for allowing PSE the	14	do want the information, should we, could we issue bench
15	opportunity to come up with some seems like a	15	requests to the companies to get that information more
16	brainstorming session to come up with some creative	16	immediately?
17	alternatives to consolidation, because I do think that	17	And, Mr. Myer.
18	those alternatives are out there to get Staff what it	18	MR. MEYER: Yes, it it's a lot of
19	needs and the Commission what they need to to make a	19	information I suspect or if there are holes or perceived
20	recommendation.	20	holes in the presentation will be filled in our
21	And I don't have a lot to add on because I	21	rebuttal. And so that may answer bench requests. And
22	agree with Mr. Meyer and Ms. McDowell, but I I do	22	while that's a useful tool, that's sometimes a good tool
23	think that we haven't tried just adjudication, and I	23	after the issues have been joined and you really see
24	think most of the issues can be addressed through	24	what you already have that's been presented. So we
25	adjudic the adjudicative process. We could	25	won't be filing our ERM rebuttal for some period of
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1	time, because if Colstrip is the ERM issue, clearly we	1	specific to one or the other utilities, well, then
2	cannot stay with this existing procedural schedule that	2	appropriately that would come up in their cases. So I
3	we've married up between Avista's GRC and the ERM. It	3	think, you know, it is appropriate to make different
4	just won't work. Too much work has to be done with	4	decisions for different utilities when there are
5	testimony on the Colstrip issue. That rebuttal can't be	5	different circumstances, and that may come up. I mean,
6	filed by early November.	6	it's not uniformity is not necessarily going to be
7	So we're looking in any event, even if you	7	the outcome because we're all differently situated, but
8	don't sever the the Avista ERM, I'm afraid you're	8	I think through the Avista process and your bench
9	looking at two sets of hearings for Avista only, one	9	request process, you can make sure that you have a
10	dealing with a rate case and then a follow-on hearing	10	complete record to decide Avista's case when it's first
11	with a somewhat with a separate prefiling track for	11	up, then Puget's, and then ours.
12	the ERM issue, all of which would lead to one order	12	So that's so I would say in some ways I
13	prior to April of next year. So we're we're we're	13	think the bench request process is one that can provide
14	in a pickle, and that procedural pickle has to has to	14	you some assurance and the Commission some assurance
15	be addressed even if you don't sever.	15	that no matter what, you're going to have the record you
16	JUDGE O'CONNELL: We're aware of the	16	need.
17	procedural difficulty that there is in the Avista case	17	JUDGE O'CONNELL: Ms. Barnett?
18	right now, and we will address it one way or the other.	18	MS. BARNETT: Thank you. I agree with
19	MR. MEYER: Thank you.	19	with both Avista and PacifiCorp, and I I think the
20	JUDGE O'CONNELL: Ms. McDowell?	20	bench requests are a valuable tool to get you to get
21	MS. McDOWELL: Judge O'Connell, I appreciate	21	the Commission what they need. I think it would be most
22	you bringing up that issue or that tool of bench	22	valuable after an informal session with Staff to to
23	requests, a tool that Staff also referenced. I think	23	get to some clarity about what it is they need. I think
24	goes back to your initial point that, you know, Staff	24	if we identify what they need and then the Commission
25	has concerns about getting the information, but really	25	issue a bench request. There's a difference between
-	Page 42		Page 44
1	more importantly, the Commission does. The Commission	1	what we can what Puget can get and what they possess
2	needs that information to make the right decision here.	2	versus what they don't even know about that that's
3 4	And I think that knowing that you have that tool of	3	lagging. So I think the bench request, we can like Ms. McDowell, said we get the Commission what it needs,
5	bench requests is is a reason to continue to try to work this out through the normal adjudicative process	5	but I think more informal, like a workshop, to identify
6	knowing that if there are gaps and, you know, Avista's	6	and get clarity around what exactly that is would be
7	case goes forward, but you have questions about	7	ideal.
8	potentially the co-owners or some other aspect of the	8	JUDGE O'CONNELL: Okay. Before I return to
9	case that is not being fully fleshed out in the Avista	9	Staff, I do want to hear Staff's thoughts on what Staff
10	record, you know, I think the Commission does have that	10	has heard. But before we get there, I want to bring up
11	tool, and it's a less drastic step than consolidating	11	some other options that we see that the parties might
12	these cases and and trying to keep three records	12	want to think about when we do take a recess, and we
13	trying to develop three records within a single	13	want to say that we are interested in hearing the
14	proceeding, which is what's going to be required, and	14	parties' thoughts on whether they are a better option.
15	that just seems messy.	15	In particular, the idea of severing and
16	Whereas if you keep the cases separate,	16	consolidating just the prudency of decision-making
17	allow Avista's case to go forward, you have the ability,	17	leading up to the outage. Then after a prudency
18	the Commission has the ability to issue bench requests	18	decision, return those to the separate dockets. And I'm
19	if there seem to be gaps in the narrative. And, you	19	aware, as Staff described, of the difficulties of
20	know, that's a situation where, you know, again, we	20	severing just the issue of this prudency determination,
21	would to the extent you're seeking information common	21	but if a joint or a consolidated decision were made on
22	to the owners, Avista would have that information to	22	prudency on an expedited schedule and time for them to
23	provide and would not be bound by confidentiality issues	23	be reincorporated back into consideration of the rest of
24	to provide it.	24	the issues in each of the dockets, could that not
25	To the extent, you know, that is information	25	resolve the difficulties of severing just the prudency

11 (Pages 41 to 44)

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1	decision?	1	with Staff on that.
2	Staff?	2	So it's it's an interesting idea. I
3	MR. DALLAS: Thank you, Your Honor. Let me	3	think it's worth pondering more, but I I do have some
4	first comment on what the companies stated. I I	4	question about whether it simply elongates it.
5	really appreciate their thoughtful responses. I think	5	JUDGE O'CONNELL: Let me let me turn to
6	their solutions would certainly resolve the the issue	6	the companies. And this is in consideration of what I
7	of confidentiality, but it would not resolve the issue	7	know about Avista's ERM filing. I'm not the judge on
8	of judicial economy. Under their solutions, we would	8	the PacifiCorp, Puget Sound Energy filings. There
9	still have three hearings, three procedural schedules,	9	hasn't been a judge assigned. So I'm somewhat more
10	three settlement conferences, three written orders.	10	familiar with what's going on in Avista's case, and I am
11	It it it wouldn't would not resolve that	11	aware that the determination of prudency of
12	concern, and I think Public Counsel voiced earlier that	12	decision-making leading up to the Colstrip outage is one
13	they have resource constraints, that that's the reason	13	piece that then also needs to be considered as a whole
14	why they participated in the ERM more so than the other	14	with the rest of the Avista's ERM filing including the
15	two.	15	deferral balance. So that's why my question is, is the
16	I think your solution, I I need to	16	potential to sever just the prudency determination have
17	consult with my client, but Staff's position is we want	17	a decision on that and then return it to the separate
18	to make sure the Commission has sufficient information	18	dockets?
19	to make a decision that's fair, just, and reasonable for	19	Mr. Meyer.
20	both the ratepayer and the Company, and to make sure	20	MR. MEYER: The more we talk this morning,
21	that these proceedings don't drain the resources of the	21	the narrower the issues appear to be. And so in that
22	Commission. So if your solution could accomplish those	22	sense, I think we're moving in the right direction.
23	two, I think Staff would be willing to entertain that,	23	What I'm but I don't want this to be illusory. We
24	but that's something I'd have to consult with my client	24	we talk from Staff's point of view that the real issue
25	on.	25	is what happened before the outage, and the remedy
	Page 46		Page 48
			1490 10
1	JUDGE O'CONNELL: Right, Perhaps that's	1	
1 2	JUDGE O'CONNELL: Right. Perhaps that's something you can discuss during the recess.	1	presumably is a disallowance in whole or in part of the
	something you can discuss during the recess.		presumably is a disallowance in whole or in part of the power cost replacement dollars. I don't know whether
2		2	presumably is a disallowance in whole or in part of the
2 3	something you can discuss during the recess. MR. DALLAS: Absolutely.	2 3	presumably is a disallowance in whole or in part of the power cost replacement dollars. I don't know whether even in exercising that remedy whether the Commission
2 3 4	something you can discuss during the recess. MR. DALLAS: Absolutely. JUDGE O'CONNELL: Okay. Ms. Gafken, do you	2 3 4	presumably is a disallowance in whole or in part of the power cost replacement dollars. I don't know whether even in exercising that remedy whether the Commission will want to make distinctions between parties, and
2 3 4 5	something you can discuss during the recess. MR. DALLAS: Absolutely. JUDGE O'CONNELL: Okay. Ms. Gafken, do you have any thoughts?	2 3 4 5	presumably is a disallowance in whole or in part of the power cost replacement dollars. I don't know whether even in exercising that remedy whether the Commission will want to make distinctions between parties, and there may be reasons why in some cases the Company
2 3 4 5 6	something you can discuss during the recess. MR. DALLAS: Absolutely. JUDGE O'CONNELL: Okay. Ms. Gafken, do you have any thoughts? MS. GAFKEN: That's an intriguing idea. I	2 3 4 5 6	presumably is a disallowance in whole or in part of the power cost replacement dollars. I don't know whether even in exercising that remedy whether the Commission will want to make distinctions between parties, and there may be reasons why in some cases the Company behave with just extraordinary dispatch and
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	Page 49		Page 51
1	this issue in some kind of perspective.	1	the units at issue, ownership percentages, amounts in
2	Okay. So back to the point at hand, I I	2	controversy, rate impacts, replacement power strategies,
3	don't know if it if it's slimmed down quite the way	3	and the individual responses of the facts leading up to
4	you describe it, Joe, on on behalf of Staff. You	4	the outage.
5	know, if it's just a question of outage and power	5	Ultimately the Commission has to make three
6	replacement costs. I mean, did each of the three	6	independent determinations on three individualized
7	companies monitor and exercise their fiduciary duties as	7	records. And we we don't see that we see that as
8	part of the management committee that oversees Talen? I	8	being absolutely more complex in a consolidated
9	don't know if you're going to make distinctions there.	9	proceeding where the things get jumbled than if you do
10	So it's it's while it's tempting to paint with a	10	it sequentially, take Avista's, take Puget's, take ours,
11	broad brush and say it's just it's an it's an easy	11	and then build on the record that gets developed over
12	up or down decision, there are nuances here that would	12	time in the individual utility cases.
13	probably need to be explored on a company-by-company	13	That's the normal course of events. We
14	basis.	14	think that is the more efficient process and frankly
15	I am heartened to to better understand	15	more comfortable one for us. You know, as we are just
16	that maybe from even Public Counsel's perspective it	16	now like moving into an adjudicative process, the idea
17	really is just the Colstrip issue. The other issue you	17	that we are moving into an expedited adjudicative
18 19	mentioned we can address perhaps in the rate case, Lisa.	18 19	process, which is, you know, like news to us and not
20	So if and if there are no other ERM issues and if we've strictly defined what we mean by the Colstrip	20	exactly in our schedule for the next couple of months, is you know, that's not necessarily a welcome
20	issue, then that lends itself to to some sort of	20	development for us. I understand it's imperative for
21	early decision on that just so long as and we put the	22	Avista, but for us especially to try to meet, you know,
23	ERM to bed for Avista and we can use those dollars for	23	Staff's needs around let's let's really understand
24	ratepayers, okay?	24	the story so we can come to the right outcome, that
25	JUDGE O'CONNELL: So, Mr. Pepple, if you're	25	that's at odds with but file your testimony next week.
23			that's at odds with but his your testimony next week.
	Page 50		Page 52
1		1	
1 2	Page 50 still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a	1	Page 52 And so, you know, we think in our situation it would be better to set the normal schedule, not an
	still on the line, I'd like to prepare you for a		And so, you know, we think in our situation it would be better to set the normal schedule, not an
2	still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a	2	And so, you know, we think in our situation
2 3	still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a recess, and I'm curious about Staff and Public Counsel	2 3	And so, you know, we think in our situation it would be better to set the normal schedule, not an expedited schedule that, you know, works for Avista, but
2 3 4	still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a recess, and I'm curious about Staff and Public Counsel have made fairly clear that they well, that Staff	2 3 4	And so, you know, we think in our situation it would be better to set the normal schedule, not an expedited schedule that, you know, works for Avista, but to allow Avista's case to go forward then allow ours to
2 3 4 5	still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a recess, and I'm curious about Staff and Public Counsel have made fairly clear that they well, that Staff offered to simplify the issues of the ERM to the	2 3 4 5	And so, you know, we think in our situation it would be better to set the normal schedule, not an expedited schedule that, you know, works for Avista, but to allow Avista's case to go forward then allow ours to go forward in the normal course. We think our situation
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	still on the line, I'd like to prepare you for a question I'm going to ask perhaps after we take a recess, and I'm curious about Staff and Public Counsel have made fairly clear that they well, that Staff offered to simplify the issues of the ERM to the Colstrip outage. I recall that you, AWEC, have more issues in the ERM docket than just the Colstrip outage, and at some point after we take a recess, I'm going to be interested to hear what whether you can make that same offer or what your position on that is. But let me return now to the companies, for Pacific Power. Just for the decision of prudency on the decision-making of the Colstrip outage, if we were to sever that, expedite a decision on just that piece of Pacific Power's filing and then return whatever that determination is to your PCAM for consolidation with the rest consideration with the rest of the things in that docket, is that a possibility? MS. McDOWELL: So, Your Honor, I appreciate, you know, the attempt to come up with constructive solutions here. I will say that that solution is not a good one for PacifiCorp. You know, we think even if the issue is narrowed to the Colstrip outage, that issue is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And so, you know, we think in our situation it would be better to set the normal schedule, not an expedited schedule that, you know, works for Avista, but to allow Avista's case to go forward then allow ours to go forward in the normal course. We think our situation is you know, we we get that there is a common issue that occurred, a common fact that occurred, but we think the utilities all are differently situated on that and all have, you know, a different record that ultimately needs to be developed. And we want a chance to develop ours in the normal course, not in like tomorrow because we've gotten thrown into a proceeding frankly that we didn't expect to be thrown into. So that's that's our course. We think I mean, ultimately we hope to settle this case. We've generally been able to settle our PCAM filings and and we think that's going to be harder to do if we're immediately thrown into litigation and don't have that time to have those sort of discussions. So so, you know, as much as we'd like to say yes and, you know, continue with constructive brainstorming that's a solution, I I don't think works because we just don't think the commonality exists.

13 (Pages 49 to 52)

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	Page 53		Page 55
1	there it's clear that there is some commonality. The	1	ask of Mr. Meyer a question that we've been pondering.
2	extent to which I think everyone can argue about at this	2	We would benefit from Avista agreeing to extend the
3	point, but there is some commonality here.	3	effective date of its ERM, if we decided these dockets
4	Ms. Barnett, you've had the the benefit	4	should be consolidated, will Avista agree to extend the
5	of hearing all of my questions before I get to ask them	5	effective date of the ERM?
6	of you. What are your thoughts?	6	MR. MEYER: Would that have the effect of an
7	MS. BARNETT: And hearing all the answers.	7	ERM decision that would extend beyond April 1st of 2020?
8	JUDGE O'CONNELL: Yes.	8	JUDGE O'CONNELL: To agree to extend the
9	MS. BARNETT: 1 I guess I I look at	9	effective date would be to move it beyond
10	the at Staff's motion a little differently. I don't	10	April 1st, 2020, yes.
11	see I don't see the proposal as really a narrowing	11	MR. MEYER: Then we would not agree to that.
12	because that's the way I always saw Staff's proposal. I	12	We're that would prevent the \$30 million bucket from
13	understood. I guess, this is having done I guess now	13	benefitting customers because this issue would still be
14	15 power cost adjustments without any of them ever being	14	unresolved. Now, that gives us still five months of
15	adjudicated, I just assumed this was the only issue. So	15	good, hard work between now and April 1st, and however
16	when they say we're just going to pull out and	16	the Commission decides to address this, a lot can be
17	bifurcate, I guess, this one issue from the PCA, I I	17	done in that period of time. So I'm not trying to be
18	understood that I understood that to be Staff's	18	difficult, but I want to preserve the objective.
19	motion. That is their that is their position, is the	19	JUDGE O'CONNELL: I understand. And it's
20	only issue is the Colstrip outage.	20	worth asking, and perhaps I just ask that you keep it in
21	So I don't see as severing the this one	21	mind as you discuss more during recess with the other
22	issue, the prudency issue of Colstrip outage replace	22	parties.
23	power costs as a as a as a more efficient	23	MR. MEYER: Sure. Thank you.
24	improvement, I guess, or or alternative. I think	24	JUDGE O'CONNELL: Mr. Dallas?
25	I I do think it's also not worth the I guess I'm	25	MR. DALLAS: I just wanted to provide just
	5		, , ,
	Page 54		
	1490 31		Page 56
1		1	
1 2	uncomfortable with, again, I think I said it before, consolidating multiple companies into what into one	1	some very quick feedback. Staff's initial position is
	uncomfortable with, again, I think I said it before,	1	
2	uncomfortable with, again, I think I said it before, consolidating multiple companies into what into one	2	some very quick feedback. Staff's initial position is we we agree with PSE that it's just procedurally
2 3	uncomfortable with, again, I think I said it before, consolidating multiple companies into what into one proceeding, setting that precedent. But not only that,	2 3	some very quick feedback. Staff's initial position is we we agree with PSE that it's just procedurally awkward to sever individual issues. I'm going to
2 3 4	uncomfortable with, again, I think I said it before, consolidating multiple companies into what into one proceeding, setting that precedent. But not only that, also setting a precedent that it's easy to bifurcate	2 3 4	some very quick feedback. Staff's initial position is we we agree with PSE that it's just procedurally awkward to sever individual issues. I'm going to consult with my client and get their thoughts on it, but
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14 (Pages 53 to 56)

	Page 57	Page	59
1	recess we will have much left to discuss, depending on	1 list, you know, would would represent a good reason	
2	how the the parties do in the recess. Is half an	2 for the Commission to, you know, either consolidate or	
3	hour or 35 minutes sufficient for the parties to talk	<sup>3</sup> not consolidate depending on its position on the	
4	talk to your clients and then for us to come back and	4 Colstrip issue. I think that the issues we raised are	
5	have a short chat before we adjourn?	5 relatively narrow and can be dealt with pretty easily.	
6	MR. DALLAS: Yes, Your Honor.	6 The first issue we we raised on is an	
7	MR. MEYER: Yes for Avista. But I do	7 issue that, you know, we we raised in testimony in	
8	after a short break, have the have us come back and	8 the Avista remand docket. We feel like we need to rais	se
9	talk about some discovery options here, see what we can	9 it in the ERM proceeding as well in order to protect our	
10	do. And I think if if we need more than a half an	10 interest on that issue, but it's an issue that could	
11	hour, can we well, how about we just call when we're	11 very well be resolved in the ERM or in the remand	
12	ready for you; would that work?	12 docket.	
13	JUDGE O'CONNELL: That that would. If I	13 The third issue we raised is really just a	
14	don't hear anything, I'm going to check back in in half	14 policy issue about, you know, the period over which	
15	an hour, because it is I'm aware and conscious of	15 Avista should amortize the ERM balance, you know, an	nd
16	AWEC's availability as we get into the afternoon, and I	16 that's I don't think that that's really a big enough	
17	want to be sensitive to that. So I I am going to at	17 issue to to influence your decision here.	
18	least check back in if I don't hear from you. If you	18And then the the middle issue, the second	
19	would like me to come back before half an hour, 35	19 issue, regarding the the interest again, that's, you	
20	minutes, yes, please, contact me. And I'm not seeing	20 know it's an issue that requires testimony, but	
21	anyone objecting to that, so with that, we will be off	21 probably only a couple of pages to identify it. And,	
22	the record in recess. Thank you.	22 you know, so it's again, it's a fairly simple and	
23	(A break was taken from	23 narrow issue.	
24	11:18 a.m. to 11:47 a.m.)	24         JUDGE O'CONNELL: Okay. Thank you.	
25	JUDGE O'CONNELL: Let's be on the record.	25 Before we adjourn, close for the day, I do	
		Page	
	Page 58	Fage	60
1			60
1 2	Have the parties had a chance to collaborate and did any	1 want to give the opportunity to the parties to tell me	
	Have the parties had a chance to collaborate and did any good ideas come from that?	<ol> <li>want to give the opportunity to the parties to tell me</li> <li>any anything else that we should consider and how we</li> </ol>	
2	Have the parties had a chance to collaborate and did any	<ol> <li>want to give the opportunity to the parties to tell me</li> <li>any anything else that we should consider and how we</li> </ol>	
2 3	Have the parties had a chance to collaborate and did any good ideas come from that? MR. MEYER: Well, before we go there, you	<ul> <li>want to give the opportunity to the parties to tell me</li> <li>any anything else that we should consider and how we</li> <li>should go forward. The kind of a catchall question for</li> </ul>	
2 3 4	Have the parties had a chance to collaborate and did any good ideas come from that? MR. MEYER: Well, before we go there, you had a question pending for of Tyler.	<ul> <li>want to give the opportunity to the parties to tell me</li> <li>any anything else that we should consider and how we</li> <li>should go forward. The kind of a catchall question for</li> <li>the very end. Before we get to that, which I will allow</li> </ul>	
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15 (Pages 57 to 60)

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Page 61         Page 63           agreement, what's missing, what do you need, and can we         in that would resolve the issue of judicial economy, but it           adjust to you.         And wo ddn't tak about dates. I ddn't           get the final doap - that's actually a two step process.         Judice 2000 CONNELL: Well, let me darity a           adjust the nas a metter of clearup, if's - if's apparent thet         Judice 2000 CONNELL: Well, let me darity a           name we name the - and met three to four wocks. And         me date statist's appart of the 2018 Colstrip           own curse, and that's the issue that as not been         set four wocks. And           name went the - and met three to four wocks. And         me date statist's appart of the 2018 Colstrip           own curse, and that's the issue the statist's ogen to proceed on its         own curse, and that's the state the effect on thet decision to           the prodemocy thereof. We need to have a mode arrow of the         heaving that carried into the new year on the ERM docket           the was specific EMM order that thisk statu         file the order in thisk statu           colstrip and everything dise. And then we get to the         file the order in the status and to bax some other minor issues. Diut we the issue site the only           status this proteche order, we can agree on         some the you consolidated or separation           own can k-avistaspecific EMM order that thisk statu         docket in the status and to its site bio and individue ut				_
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4         get the final clarg from all parties. I cli like to get         JUDGE COCNNELL: Vel, like me clarify a           5         all of that done - third's actually a two-strep process, if like to get to the state and that the 2018 Colstrip         out the same about the 2018 Colstrip           7         then as a matter of claring, it's - it's apparent that         fill to that state a pert of the 2018 Colstrip           8         the commission can then exit three to four weeks. And         fill to that state a pert of the 2018 Colstrip           9         Avista ERM docket will be required to reset the         fill to the state and to lok state a pert of the that, and           10         something ke, assuming that it is going to proceed in its         fill the prudency thereof. We need to have small           11         own course, and that's the issue that has not been         fill the prudency thereof. We need to have small           12         But, you know, I won't spaak for how quickly         fill the event the commission fluths necessary, then to           16         wood, along, I don't know, four to six weeks, seven         fill the event minor issues, but with the stipulation. So           18         bake some obles want to better         fill the seven the bruike courses. I think           19         Thow, did someone else want to better         fill the parties can correct me if The wrong, but we - we do have an agreement as to the two-leared level           10         out confidentia	2		2 still would be very procedurally awkward in Staff's	
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25 that as opposed to leaving these unconsolidated because 25 MS. BARNETT: That's right, if it's	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	protective order, and that in this protective order, there'd be two layers of confidentiality. One would be confidential, but not confidential among the Colstrip owners because the information relates to the operation and management of Colstrip. And then the other layer would be truly commercially sensitive information that would be confidential as to each individual utility company. I think where the disagreement is, is how do we proceed procedurally. Do we do this in three separate dockets or do we do it in one. Staff's position is that it would promote judicial economy to do this in one as opposed to three because three necessarily means three procedural schedules. The Commission mentioned a a solution where we would sever individual issues. Staff's preference would be to consolidate the entire dockets because it's it's just odd to us to sever individual issues when the Commission has to approve the entire	<ul> <li>order. One level of confidentiality where it's not</li> <li>confidential between the Colstrip owners and then</li> <li>another level of confidentiality where essentially the</li> <li>companies can't see the other information of the the</li> <li>other companies. Is that I'm hearing that that is</li> <li>the one thing that the parties can't agree on.</li> <li>MS. BARNETT: I don't this is Donna</li> <li>Barnett from PSE, and I think that offer was is a</li> <li>compromise to consolidation. It is not intended to be a</li> <li>support PSE does not support consolidation, and if</li> <li>it's a I think that was a separate issue. So if it's</li> <li>a two-tiered protective order, that doesn't mean we'd</li> <li>want that in a consolidation as a compromise.</li> <li>JUDGE O'CONNELL: So then the idea I just</li> <li>want to make sure I understand. The idea then would be</li> <li>to keep the dockets separate, allow this two-tiered</li> <li>level of confidentiality, and that would allow for</li> <li>introduction of certain evidence really to the Colstrip</li> <li>owners and decision-making to be used in each of the</li> </ul>	
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16 (Pages 61 to 64)

		1	
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1	appropriate. That that's right. This would	1	appreciated the suggestions of the tiering from Staff
2	that's a PSE's and the other parties, my	2	and the individualized modified protective orders from
3	understanding, is the attempt to get to understand what	3	Mr. Pepple. And I think we tried to combine those
4	Staff is missing and get them that information, which	4	during the break into something that would work for all
5	which is the purpose behind their motion the way we	5	of us to really address the discovery issue that you
6	understand. If judicial economy is a separate issue, we	6	raised and that Staff raised.
7	don't think that judicial economy, the benefits afforded	7	So we are totally comfortable with a
8	the Commission in judicial efficiency or economy does	8	modified protective order being developed and entered in
9	not outweigh the gray cost in establishing precedent of	9	each of the dockets that would have identify the
10	having multiple power cost proceedings bound together in	10	tiers and that would have the special language that
11	a consolidated proceeding.	11	would allow information produced in one docket, you
12	To me that just creates a a boilerplate	12	know, in that, I guess it would be the tier the tier
13	power cost rate proceeding that is applied to multiple	13	two is where we've identified the common information,
14	utilities without looking at every individual utility	14	that that common information would be notwithstanding
15	the way they're filing separately. It's so I so I	15	it being designated confidential, it would be in this
16	think this is the offer was to as a as an	16	case, be allowed to be used in the three dockets.
17	attempt to compromise to get Staff what they need and	17	So that that is different than your
18	not an acknowledgment or accession to consolidation.	18	typical protective order, and we're we're comfortable
19	JUDGE O'CONNELL: Okay.	19	with that, and we think that addresses we hope that
20	MR. TEIMOURI: And, your Honor, this is Dan	20	addresses your concern and also the Commission's concern
21	Teimouri. And just to be clear that that is not Staff's	21	about how to manage this from an evidence perspective.
22	position. We do not see it as a compromise, but as a	22	So so we're comfortable with that. I think the
23	component of a consolidated docket in our preference.	23	distinction between what our perspective and what Staff
24	JUDGE O'CONNELL: We'll we will take that	24	articulated was just the common protective order that
25	into consideration, and I do want everyone to understand	25	implies that if one protective order in a consolidated
	Page 66		Page 68
-	Page 66		Page 68
1	that we're going to make a decision soon on this, and	1	proceeding. We still believe that judicial economy is
2	that we're going to make a decision soon on this, and it's possible that not everyone will be happy with that	2	proceeding. We still believe that judicial economy is best served by doing this in three separate proceedings
2 3	that we're going to make a decision soon on this, and it's possible that not everyone will be happy with that decision. Someone's not going to get what they want	2 3	proceeding. We still believe that judicial economy is best served by doing this in three separate proceedings and let the cases evolve in you know, in the way they
2 3 4	that we're going to make a decision soon on this, and it's possible that not everyone will be happy with that decision. Someone's not going to get what they want so	2 3 4	proceeding. We still believe that judicial economy is best served by doing this in three separate proceedings and let the cases evolve in you know, in the way they have been filed.
2 3 4 5	that we're going to make a decision soon on this, and it's possible that not everyone will be happy with that decision. Someone's not going to get what they want so MR. DALLAS: And, Your Honor, I I think	2 3 4 5	proceeding. We still believe that judicial economy is best served by doing this in three separate proceedings and let the cases evolve in you know, in the way they have been filed. You know, Avista might be ready to go to
2 3 4 5 6	that we're going to make a decision soon on this, and it's possible that not everyone will be happy with that decision. Someone's not going to get what they want so MR. DALLAS: And, Your Honor, I I think just to quickly talk about what PSE stated, I think I	2 3 4 5 6	proceeding. We still believe that judicial economy is best served by doing this in three separate proceedings and let the cases evolve in you know, in the way they have been filed. You know, Avista might be ready to go to hearing in a month, but I don't think PacifiCorp is. We
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17 (Pages 65 to 68)

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1 served by continuing the cases separate, but doing these	it's it's certainly there was no bad intent to the
2 innovative approaches to sharing information and also	<ul> <li>timing of our motion. We certainly don't want to</li> </ul>
3 informal sharing of information, both sort of formally	3 prejudice any of the companies. We just did we just
4 through the protective order and then informally through	4 wanted to give PAC a fair opportunity, and I I think
5 these technical workshops or other proceedings.	5 Staff would be accused of prematurely filing its motion
6 JUDGE O'CONNELL: Thank you.	6 if we filed our motion prior to the workshop. So I just
7 Ms. Gafken, do you have any thoughts?	7 wanted to to really state why we filed our motion
8 MS. GAFKEN: I do feel like I would be	8 when we did. It's because we view all these cases as
9 repeating a lot of what has already been said, but it	<sup>9</sup> one, which is why we're asking for consolidation.
10 sounds to me like there is some agreement on the need to	10 As to the point why we didn't file motions
11 share information and to levelize that information	11 to compel, it it it didn't make sense to. For
12 across the three companies and to make sure that	12 instance, we believe the companies are withholding the
13 everyone has the same information. I think that's	13 same document, so if we did a motion to compel with
14 really been one of the key concerns. I don't think we	14 Avista, we would fight that, and then if we won, it
15 have agreement on how to proceed and meet, you know, the	would be confidential, and then we would have to try to
16 deadlines that need to be met. And so I'm afraid we've	16 move that same document into the other three the
17 been unhelpful in that regard.	17 other two cases.
18 JUDGE O'CONNELL: So at this time, I want to	18 So so so it it makes more sense to
19 give all the parties, including the parties who are on	19 do this in a context of a consolidated adjudication
20 the bridge line, The Energy Project, Sierra Club,	20 because we have to fight to get the document, and then
21 Northwest Energy Coalition, AWEC, I want to give all	21 the document's going to be confidential, and then we
22 parties a chance and opportunity to provide any	22 have to fight the designation of confidentiality to get
additional thoughts on how we should move forward.	23 in the other two dockets. So it it's really a
24 Let's let's start with Staff.	<sup>24</sup> five-step process to get one document in each
25 Mr. Dallas.	administrative record if there is no consolidation. So
Page 70	
1 MR. DALLAS: Thank you, Your Honor. And	1 we we we did not pursue the motions for motions
2 like you said, this will be a catchall, so I have a	2 to compel because it just didn't make sense. It it
3 couple points I want to hit. So the compromise that the	3 makes sense to to if we go that route, and we hope
4 companies are seeking, we appreciate. I think it would	4 we don't, it makes sense to do it within the context of
5 resolve a lot of the confidentiality issues. Staff	5 a consolidated adjudication so we can use that one
6 still has concern about judicial economy. You know, I	6 document as to all three companies because we want to
<ul> <li>think Public Counsel stated it best, that it would</li> <li>really limit our participation in all three if we had to</li> </ul>	<ul> <li>provide consistent recommendations. So I I just</li> <li>wanted to provide some context on that.</li> </ul>
<ul> <li>really limit our participation in all three if we had to</li> <li>adjudicate the same cost three different times. And</li> </ul>	<ul> <li>8 wanted to provide some context on that.</li> <li>9 And with that, I know it was a catchall. I</li> </ul>
then the first case wouldn't have the benefit of the	
11 information and insight from the latter cases. So as	<ul> <li>think those are the points I want to make. I'll move it</li> <li>over to my associate, Dan.</li> </ul>
12 these cases evolve and we become more familiar with	12 MR. TEIMOURI: There were thank you, Your
13 these issues, the Commission may enter inconsistent	13 Honor. There were a couple of points that were made
14 orders based on three serial cases.	14 that Staff and I had a chance to respond to that I'll
15 The next point I want to talk about is the	15 just briefly touch on and then we'll move quickly
16 timing of Staff's motion. I think you know, I I	16 through them.
17 want to explain why we filed it when we did. We've	17 But I think first, PAC and PSE said
18 always viewed these cases as one single case, and we	18 something to the effect that they're still trying to
19 filed our motion after the workshop with PAC that took	19 understand what Staff needs, that Puget's not clear on
20 place on September 20th, and we wanted to wait to file	20 what it has not given. And I think that, you know,
<ul> <li>our motion until we heard from PAC to give them a fair</li> </ul>	21 Staff would strongly push back on this, we've had
22 opportunity.	22 several discovery conferences with both parties that
<sup>23</sup> This workshop was on September 20th, and	<ul> <li>23 made very clear as Your Honor stated at the very</li> </ul>
then after this workshop, we sat down with all the	24 beginning of this hearing they were looking for the Q-1
<ul> <li>information and filed our motion six days later. So</li> </ul>	25 contemporaneous decision-making leading up to the

18 (Pages 69 to 72)

	Darra 72		Dama 75
	Page 73		Page 75
1	Colstrip outage. So that was conveyed very clearly to	1	particular issue. Of course each one of the individual
2	all companies, and I don't think there was any any	2	companies will have their percentage of ownership and
3	lack of clarity there.	3	all of those things, but those are merely facts.
4	It was also stated by Mr. Meyer, and I think	4	They're not things that necessitate separate treatment.
5	this appears in all the briefs, that there was thousands	5	Public Counsel's preference would be to have
6	of documents, lots of time spent, and by the same token,	6	a process that has the most efficient path forward. So,
7	there was a lot of time spent by Staff receiving those	7	you know, fewer times parties need to gear up to address
8	thousands of documents. As you know, thousands of	8	this particular outage, we would prefer that.
9	documents a response does not make. And so we wasted a	9	In terms of consolidating three separate
10	lot of time going through those documents to not get an	10	companies into a single proceeding, I think the
11	answer to our questions, so I think shared frustration	11	Commission has broad discretion on that. It really
12	on both sides.	12	ultimately comes down to what does the Commission feel
13	It was said that this was bad precedent. I	13	that it needs to do in order to process these filings
14	think that's not true. This is a very narrow situation.	14	and do so in a way that they can make a decision based
15	As was said, 17 years we haven't had a similar situation	15	on all of the facts that they need to have and be the
16	where there was three joint owners with one outage. The	16	most efficient with it. I think that discretion falls
17	order could be narrowly crafted around those facts and	17	squarely on the decision-makers.
18	would not set bad precedent.	18	I I am quite encouraged by the offer
19	And lastly, during the break, we went and	19	to one, for the offer of the companies to meet among
20	looked for some precedent to establish that the issuance	20	themselves and then to meet with the rest of the parties
21	of bench requests in a in a situation like this,	21	to to levelize the facts. I think that is very
22	would be not be unprecedented, and we have that	22	constructive, and we look forward to participating in
23	authority here, and I would like to hand it up to the	23	that process, regardless of whether this ends up being
24	Bench if you are so inclined to receive it and to share	24	consolidated or not. I think I'll stop there. I don't
25	it with the parties.	25	want to take up much more of the air time, but thank
	Page 74		Page 76
1	JUDGE O'CONNELL: And can you share with me	1	you.
2	JUDGE O'CONNELL: And can you share with me just the the docket and perhaps if you're whatever	2	you. JUDGE O'CONNELL: Mr. Pepple for AWEC, do
2 3	JUDGE O'CONNELL: And can you share with me just the the docket and perhaps if you're whatever document you're looking at?	2 3	you. JUDGE O'CONNELL: Mr. Pepple for AWEC, do you have any additional thoughts you would like to
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19 (Pages 73 to 76)

	Page 77		Page 79
1	Northwest Energy Coalition doesn't have anything to add	1 the works, it's procedural work	
2	either. Thank you.	<ul> <li>it that is going to have to be</li> </ul>	
3	JUDGE O'CONNELL: Okay. Thank you.	3 confident that we can set a new	-
4	I want to return to the companies. For the	4 meet that April 1st order, though	
5	most part, I want to hear your final thoughts about how	5 So to end on a constru	-
6	we should move forward, but I'd also like to hear more	6 out something to the the utili	
7	of Mr. Meyer about what would be needed as far as timing	7 process, check with your princ	
8	if the companies needed to get together. Is that	8 decide how best to share this a	
9	something that can or or would be able to go hand in	<sup>9</sup> the other parties in terms of wh	
10	hand with having this two-tiered protective order?	0 like to do to assembly all this.	-
11	Because obviously if we do that, the companies will have	1 got.	
12	to get together.	2 JUDGE O'CONNELL:	Ms. McDowell?
13	MR. MEYER: Yeah, we'll have to sort the	3 MS. McDOWELL: Tha	ank you, Your Honor. Let
14	information accordingly, and and and so we have	4 me just conclude by saying we	are open to all ideas that
15	not talked about timing. I'm happy to send an email	5 parties have on how to share in	nformation efficiently and
16	around after I confer with my own client before I commit	6 effectively to make sure all par	ties have the
17	my own client. They they don't like that.	7 information they need and to n	nake sure the Commission
18	JUDGE O'CONNELL: And here's my concern,	8 has what it needs to resolve th	is case. We do strongly
19	Mr. Meyer, is that we do expect to issue a decision	9 object to consolidation of these	
20	rather quickly on this, and that is going to have an	0 it would not promote judicial ef	-
21	impact on what we decide to do procedurally with	1 Commission's perspective, and	
22	Avista's general rate case. So I just want to	2 prejudicial to Pacific Power, the	
23	understand what sort of timeline we are under and	3 Utilities are entitled to i	
24	whether whether you're going to be able to have those	4 prudence determinations. So	
25	discussions before we issue a decision.	5 consolidated, the Commission	is going to need to develop
	Page 78		Page 80
1		1 an individualized record. We c	
1 2	Page 78 MR. MEYER: I would think not, because it envisions an iterative process where we pull stuff	<ol> <li>an individualized record. We c</li> <li>easier for the Commission to c</li> </ol>	lon't think it makes it
	MR. MEYER: I would think not, because it		don't think it makes it to that in a consolidated
2	MR. MEYER: I would think not, because it envisions an iterative process where we pull stuff	2 easier for the Commission to c	lon't think it makes it lo that in a consolidated ates a risk of a confused
2 3	MR. MEYER: I would think not, because it envisions an iterative process where we pull stuff together, we look at it, we ask ourselves quite directly	<ul> <li>easier for the Commission to c</li> <li>proceeding. We think that creater</li> </ul>	don't think it makes it do that in a consolidated ates a risk of a confused ærn about prejudice. We
2 3 4	MR. MEYER: I would think not, because it envisions an iterative process where we pull stuff together, we look at it, we ask ourselves quite directly and honestly is that really confidential or isn't it, and and try and find common ground, hand it off to others to look at and discuss, and then what comes out	<ul> <li>easier for the Commission to c</li> <li>proceeding. We think that cre</li> <li>record. That leads to my conc</li> </ul>	don't think it makes it do that in a consolidated ates a risk of a confused ærn about prejudice. We ding, there's a risk that
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	Page 81		Page 83
1	are three separate companies with only one fact in	1	sufficient information to make to render fair, just,
2	common. Not even one not even similar parties are in	2	and reasonable rates, and we also believe that
3	common.	3	consolidation would promote judicial economy and avoid
4	I think that that idea of creating a	4	wasting the Commission's resources on hearing the same
5	consistent answer or prudency determination for each of	5	case three separate times. And I guess with that, I
6	the companies is a mistake. Consistency should not be	6	would just stand on our brief.
7	the goal. Efficiency should not be the goal. Getting	7	JUDGE O'CONNELL: Okay. Is there anything
8	it right should be the goal. And I think the compromise	8	else from the parties that we need to discuss at this
9	that we proposed today will get Staff and the Commission	9	hearing? Not seeing anything in the room, I'm not
10	the information they need to get it right.	10	hearing anything from the bridge line. So with that, we
11	And and so I don't see a need to	11	will adjourn this hearing. We will take into
12	consolidate them if they have the information they need	12	consideration what's been said, and with that, we will
13	to get it right. And I think consolidating them, which	13	be off the record.
14	would then just be just for judicial consistency and	14	(Adjourned at 12:35 p.m.)
15	economy, would be a drastic departure from Commission	15	
16	precedent and make it easier to do single issue	16	
17	ratemaking in the future, consolidate totally	17	
18	inappropriate cases with multiple companies. And and	18	
19	so I think it it would be a very big and drastic	19	
20	departure from the Commission's practice.	20	
21	So just to end on a on a final note, I do	21	
22	think PSE is committed to getting Staff the information	22	
23	they need and finding out what that information is and	23	
24	by by working together with the other companies we'll	24	
25	do that. And I think that solves the the issues that	25	
	Page 82		Page 84
1	Staff has brought in its motion. And so I hope the	1	CERTIFICATE
2	Commission considers that, but maintaining it as	2	
3	separate separate separate cases, not	3	STATE OF WASHINGTON
4	consolidated.	4	COUNTY OF THURSTON
5	JUDGE O'CONNELL: Thank you.	5	
6	MR. MEYER: May I just tack on? I know I	6	I, Tayler Garlinghouse, a Certified Shorthand
7	had my time.	7	Reporter in and for the State of Washington, do hereby
8	JUDGE O'CONNELL: Very briefly, Mr. Meyer.	8	certify that the foregoing transcript is true and
9	MR. MEYER: Okay. This process that you	9	accurate to the best of my knowledge, skill and ability.
10	just referred to where we share information, I think if	10	×
11	I were a commissioner, I might want to know whatever	11	Shortes a
12	happened there? Did you guys figure this stuff out or	12	
13	not? It would be helpful I think to the Commissioners	13	Jayler gradinghouse_
14	if they're if someone probably Staff would report	14	Tayler Garlinghouse, CCR 3358
15	out that there are X, Y, Z as unresolved discovery	15	
16	issues, and so narrow this thing down at this point.	16	
17	Otherwise, it's just a could be a nebulous exercise	17	
18	and we're back here again.	18	
19	JUDGE O'CONNELL: Okay. Well, considering	19	
	that, Mr. Dallas, Mr. Teimouri, Staff has the proponent	20	
20	anad, min Danad, min Fonnoan, etan mao ano propononi		
20 21	of the motion, last word?	21	
		21 22	
21	of the motion, last word?		
21 22	of the motion, last word? MR. DALLAS: I think Staff would just stand	22	
21 22 23	of the motion, last word? MR. DALLAS: I think Staff would just stand on its brief. I think, you know, consolidation can	22 23	
21 22 23 24	of the motion, last word? MR. DALLAS: I think Staff would just stand on its brief. I think, you know, consolidation can resolve the confidentiality issues in one protective	22 23 24	

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