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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION
3 WASHINGTON UTILITIES AND) Docket No. UE-001734
TRANSPORTATION COMMISSION,) Volume II
4) Pages 21 to 28
 Complainant,)
5)
 vs.)
6)
PACIFICORP d/b/a PACIFIC)
7 POWER AND LIGHT,)
)
8) Respondent.
)
9 _____)

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11 A hearing in the above matter was held on May
12 21, 2002, at 1:30 p.m., at 1300 South Evergreen Park
13 Drive Southwest, Room 206, Olympia, Washington, before
14 Administrative Law Judge KAREN M. CAILLE.

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 The parties were present as follows:
16 THE COMMISSION, by GREGORY J. TRAUTMAN,
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18 gtrautman@wutc.wa.gov.

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 PACIFICORP, by JAMES C. PAINE, Attorney at
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Joan E. Kinn, CCR, RPR
25 Court Reporter

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

2 JUDGE CAILLE: Good afternoon, this is Docket
3 Number UE-001734, Washington Utilities and
4 Transportation Commission versus PacifiCorp doing
5 business as Pacific Power and Light. This matter
6 concerns PacifiCorp's application for tariff revisions
7 which would allow PacifiCorp to charge the customer the
8 costs associated with removing PacifiCorp's utility
9 property from the customer's location when the customer
10 changes utility service providers.

11 Today is May 21st, 2002, and we are convened
12 in a hearing room at the Commission's offices in
13 Olympia, Washington. My name is Karen Caille, and I am
14 the presiding Administrative Law Judge in this
15 proceeding.

16 Since August of last year, the proceedings in
17 this docket have been suspended to allow PacifiCorp and
18 Columbia Rural Electric Association to pursue a service
19 territory agreement that could alleviate PacifiCorp's
20 stated need for the newly proposed changes. The parties
21 have engaged in negotiations to resolve the issues in
22 dispute. Throughout this process, the parties have kept
23 the Commission informed of their progress. In March of
24 this year, PacifiCorp and CREA, that's C-R-E-A, filed
25 with the Commission an agreement in principle. The

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1 parties informed the Commission at that time that they
2 needed additional time to resolve issues that still were
3 outstanding. So today's scheduled pre-hearing
4 conference is a status conference to learn the status of
5 those negotiations and to discuss what process may be
6 needed for this docket.

7 So if we would begin with the appearances, if
8 you, Mr. Paine, I know you have already made an
9 appearance here, so if you will just state your name and
10 who you represent.

11 MR. PAINE: Thank you. James Paine,
12 P-A-I-N-E, of the Stoel Rives law firm appearing on
13 behalf of PacifiCorp.

14 MR. TRAUTMAN: Gregory J. Trautman, Assistant
15 Attorney General, appearing for Commission Staff.

16 JUDGE CAILLE: And are there any appearances
17 on the bridge line?

18 Okay, hearing none, then let the record
19 reflect there are no other appearances.

20 And, Mr. Paine, if you could give us an
21 account of the status of this proceeding.

22 MR. PAINE: I will. Judge Caille, last week
23 was the last of a series of negotiations between CREA
24 and PacifiCorp. Unfortunately, it did not generate or
25 result in a territorial service agreement, if you will,

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1 or for that matter in any other agreements that were
2 discussed in the previously filed agreement in principle
3 that had been executed between CREA and PacifiCorp. I
4 am here today to indicate to you that we do not believe
5 that we will be able to negotiate successfully a service
6 territory agreement with Columbia REA.

7 As that affects this docket, PacifiCorp, that
8 is specifically the company's request to implement
9 charges for removal of their facilities from customers
10 that leave, I believe that what we would be looking at
11 next is to reestablish the procedural schedule, and that
12 is what I am here to tell you today.

13 JUDGE CAILLE: Okay.

14 MR. PAINE: I would like to mention that
15 Mr. Wallis's participation was very gratifying, that is
16 he did help a great, great deal in getting us close.
17 Unfortunately, it did not work out, but Mr. Wallis did
18 yeoman work on this matter, and we do appreciate his
19 efforts.

20 JUDGE CAILLE: I will pass that on.

21 MR. PAINE: Thank you.

22 JUDGE CAILLE: Okay, correct me if I'm wrong,
23 but the other parties in this proceeding were Public
24 Counsel originally, Staff, and was it Northwest Energy
25 Coalition?

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1 MR. PAINE: ICNU.

2 JUDGE CAILLE: ICNU.

3 MR. PAINE: That's correct.

4 JUDGE CAILLE: Why don't we go off the record
5 to discuss schedule.

6 (Discussion off the record.)

7 JUDGE CAILLE: We have had an off record
8 discussion concerning scheduling, and it appears that
9 since we are missing some parties and some parties may
10 have understood this just to be a status conference and
11 not a scheduling conference, I will be setting a new
12 pre-hearing conference date to reestablish a schedule in
13 this proceeding. And unfortunately at this point in
14 time, I can not guarantee a date. I'm going to have to
15 go back and check with our staff to see what is
16 available, and I will E-mail the parties and then send
17 out a notice.

18 And with that, Mr. Paine, you had mentioned
19 off the record about waiving the statutory time frame.

20 MR. PAINE: That is correct. As you pointed
21 out, Your Honor, the procedural schedule has been
22 suspended to May 21st, 2002. PacifiCorp is certainly
23 willing to work with the Commission staff and other
24 interested parties. We will formally waive one more
25 month at this stage to June 21st, if that is all right.

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1 Hopefully by that time we will have had a pre-hearing
2 conference and established, reestablished I should say,
3 a procedural schedule.

4 JUDGE CAILLE: And, Mr. Paine, if you don't
5 mind, would you mention what you had read out of that
6 August order.

7 MR. PAINE: One of the points that was made
8 in that August 10th, 2001, order, which was the 3rd
9 Supplemental Order in this matter, was that Staff had
10 three qualifications to their support of the suspension
11 request. One of them was:

12 That to preserve the status quo,
13 PacifiCorp's agreement to waive the
14 suspension period for an additional 5
15 months should be interpreted to mean
16 that if the negotiations fail, the
17 Commission will have 3 months and 25
18 days after December 31st, 2001, to
19 resolve the instant docket.

20 That's on page two of that order. And all
21 I'm suggesting to you is that PacifiCorp is well aware
22 that the Commission has already got a busy schedule set
23 this summer. We will work with the Commission and other
24 parties in an effort to set a procedural schedule. We
25 are confident that we will not demand in any sense that

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1 it be processed within 3 months, 25 days. We would like
2 to see it processed this year, however.

3 JUDGE CAILLE: Yes, and we will make every
4 effort to make that happen. And I just would note for
5 the record that this was the 3rd Supplemental Order that
6 amended the pre-hearing conference, it's dated August
7 the 10th, and at that time it granted a suspension of
8 the procedural schedule to December 31st, 2001, and
9 that's the date that Staff is referring to in that
10 motion. There was another request for an extension of
11 the procedural schedule that came in on December the
12 27th.

13 MR. PAINE: That is correct.

14 JUDGE CAILLE: And I believe we extended it
15 to January 31st, 2002. And then I think we -- and then
16 there was a request to extend it to May 15th, 2002, and
17 it was extended to today's date, May 21st, 2002. That's
18 just so that it's clear on the record.

19 MR. PAINE: All right.

20 JUDGE CAILLE: So if there's nothing further
21 from you folks, I will close this meeting and go search
22 for dates for our pre-hearing conference, and I commend
23 you for making the efforts that you did. Sometimes
24 these things just don't work out.

25 MR. PAINE: We are sorry it did not work out.

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1 Thank you.

2 JUDGE CAILLE: Thank you.

3 We're off the record.

4 (Hearing adjourned at 1:55 p.m.)

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