Docket No. UE-220376 - Vol. II

WUTC v. Pacificorp dba Pacific Power & Light Company

September 6, 2022



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COURT REPORTING AND LEGAL VIDEO

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	1 A P P E A R A N C E S (cont.)
WASHINGTON UTILITIES AND (DOCKET UE-220376 TRANSPORTATION COMMISSION,))) Complainant,)) vs.) PACIFICORP, d/b/a PACIFIC) POWER & LIGHT COMPANY,))) Respondent.) VIRTUAL PREHEARING CONFERENCE, VOLUME II Pages 23-43 ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL September 6, 2022 1:30 p.m. Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, Washington 98503 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358 Buell Realtime Reporting, LLC 1325 Fourth Avenue, Suite 1840 Seattle, Washington 98101 (206) 287-9066 Seattle (360) 534-9066 Olympia (800) 849-6898 National www.buellrealtime.com	FOR AWEC: SOMMER MOSER Davison Van Cleve 1750 SW Harbor Way Portland, Oregon 97201 (971) 710-1154 Sim@dvclaw.com FOR SIERRA CLUB: ROSE MONAHAN Sierra Club Environmental Law Program 2101 Webster Street, Suite 1300 Oakland, California 94612 (415) 977-5704 rose.monahan@sierraclub.org 2 3 ******
APPEARANCES APPEARANCES ADMINISTRATIVE LAW JUDGE: ANDREW O'CONNELL FOR COMMISSION STAFF: NASH CALLAGHAN Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, Washington 98504 00/mpia, Washington 98504 8 (360) 915-4521 nash.callaghan@utc.wa.gov 9 FOR PUBLIC COUNSEL: 11 ANN PAISNER Office of the Attorney General 12 Public Counsel Unit 800 · 5th Avenue, Suite 2000 13 Seattle, Washington 98104 (206) 464-6595 14 ann.paisner@atg.wa.gov 15 FOR PACIFIC POWER: 16 ZACHARY ROGALA 17 Pacific Power & Light Company 825 Northeast Multnomah Street Suite 1800 Portland, Oregon 97232 zachary.rogala@pacificorp.com 20 FOR NWEC: 21 LAUREN McCLOY 22 Northwest Energy Coalition 811 First Avenue, Suite 305 23 Seattle, Washington 98104 lauren	24 Page 26 1 LACEY, WASHINGTON; SEPTEMBER 6, 2022 2 1:30 P.M. 3 000 4 P R O C E E D I N G S 6 JUDGE O'CONNELL: Let's be on the record. 7 Good afternoon. The time is approximately 1:30 p.m. on 8 September 6, 2022. 9 My name is Andrew O'Connell. I am an 10 administrative law judge with the Washington Utilities 11 and Transportation Commission, and I am presiding in 12 this matter. 13 We're here today for a prehearing conference 14 in Docket UE-220376. This prehearing conference was 15 continued from June 30, 2022, until today. 16 In the interim, the Commission has issued 17 orders resolving several motions, which were necessary 18 before we could move forward with this prehearing 19 conference. 20 I'd like to move forward with appearances 10 now. Please tell me how you would like me to address 20 udring this conference. For me, you can use he/him 21 pronouns and address me as Judge or Judge O'Connell.

1 (Pages 23 to 26)

	Page 27		Page 29
1	Nash Callaghan, Assistant Attorney General, on behalf of	1	interest to have you as a party.
2	Commission Staff. My pronouns are he/him.	2	Is there is there anyone else here at
3	JUDGE O'CONNELL: And for PacifiCorp?	3	this conference that intends to intervene other than
4	MR. ROGALA: Afternoon, Judge. Zack Rogala	4	Sierra Club and NWEC?
5	on behalf of PacifiCorp. He/him pronouns.	5	Hearing nothing, let's proceed. Regarding
6	JUDGE O'CONNELL: Thank you.	6	Sierra Club's petition, are there any objections to
7	And for Pacific counsel sorry Public	7	their intervention?
8	Counsel?	8	Hearing no objections, the petition to
9	MS. PAISNER: Good afternoon, Judge	9	intervene will be granted and memorialized in the
10	O'Connell. This is an Ann Paisner for the Public	10	prehearing conference order.
11	Counsel Unit of the Washington State Office of the	11	Let me turn to Northwest Energy Coalition.
12	Attorney General. I'm an assistant attorney general	12	Ms. McCloy, if you have video, would you please turn it
13	with the Public Counsel Unit. Thanks.	13	on?
14	JUDGE O'CONNELL: Thank you.	14	And I realize that you've already submitted
15	And for Sierra apologize for the	15	a petition to intervene. I don't have it. So I can't
16	Alliance of Western Energy Consumers?	16	make any judgment because I haven't been able to review
17	MS. MOSER: Good afternoon, Your Honor.	17	it. But, if you would, please put on the record why you
18	Sommer Moser on behalf of AWEC. My pronounces are	18	are intending to intervene, why it's in the public
19	she/her.	19	interest, and how your intervention will not unduly
20	JUDGE O'CONNELL: Thank you.	20	delay the proceeding.
21	And for the Sierra Club?	21	MS. McCLOY: Yes, Judge O'Connell. I'm
22	MS. MONAHAN: Good afternoon, Your Honor.	22	happy to do that. May I have permission to read my
23	This is Rose Monahan on behalf of Sierra Club. I use	23	pieces of my petition into the record?
24	she/her pronouns. And online also is my colleague, Jim	24	JUDGE O'CONNELL: Yes.
25	Dennison, and he uses he/him pronouns.	25	MS. McCLOY: Thank you. Northwest Energy
	Page 28		Page 30
1	JUDGE O'CONNELL: Thank you.	1	Coalition is a nonprofit organization under section
2	For Northwest Energy Coalition?	2	501(c)(3) of the Internal Revenue Code. NWEC's primary
3	MS. McCLOY: Good afternoon, Judge	3	purpose is to promote an energy future that is clean,
4	O'Connell. This is Lauren McCloy, policy director for	4	reliable, affordable, and equitable. NWEC provides
5	the Northwest Energy Coalition or NWEC, and I use	5	technical and policy leadership on issues in the region,
6	she/her pronouns. And we also have on the line, I	6	and seeks to promote the development of renewable
7	believe, my colleague, Charlie Thompson, also with	7	energy, energy conservation, and affordable energy
8	Northwest Energy Coalition; also uses she/her pronouns.	8	services.
9	JUDGE O'CONNELL: Okay. Thank you.	9	THE COURT REPORTER: Ms. McCloy, this is the
10	Do you have a counsel who is representing	10	court reporter. Can you slow down a little bit, please?
11	NWEC in this proceeding or will you be acting on behalf	11	MS. McCLOY: Yes. Apologies.
12	of NWEC?	12	Due to its historic and ongoing work with
13	MS. McCLOY: We do not have counsel in this	13	utility companies and others to achieve these goals,
14	proceeding, and I will be acting on behalf of NWEC.	14	NWEC possesses a substantial interest in the outcome of
15	JUDGE O'CONNELL: Okay. Let's begin with	15	this proceeding.
16	petitions to intervene. AWEC's petition to intervene	16	NWEC has a special interest in this
17	has already been granted. Sierra Club filed a timely	17	proceeding for the following reasons, including but not
18	petition to intervene this prior Friday, September 2.	18	limited to, number one, members of NWEC have a direct
19	I had not been aware of any other petition	19	and substantial interest in PacifiCorp's plan to
20	to intervene. However, persons from Northwest Energy	20	transition to a clean and equitable energy future.
21	Coalition are here today, and it's my understanding that	21	Two, the outcome of this proceeding will
22	you filed a petition to intervene this morning. I do	22	impact PacifiCorp's compliance with the Clean Energy
23	not have that petition to intervene before me. So I	23	Transformation Act, or CETA.
24	will need to hear from you regarding your interest in	24	Three, PacifiCorp's application of the
25	this proceeding and whether it would be in the public	25	social cost of greenhouse gases has a meaningful impact

2 (Pages 27 to 30)

1 on its Clean Energy Implementation Plan, or CEIP, and is planned resource acquisitions and specific actions. NMEC contends to work with the Sierra Club, who has also proceeding. And to avoid duplication of efforts. 2 is planned resource acquisitions and specific actions. Signature 3 And, four, the proceeding. Thank you. JUDGE OCONNELL: Okay. Let me sum to the other parties. Ir oalize that		Page 31		Page 33
2 is planned resource acquisitions and specific actions. 2 NWEC contracts to work with the Sierra Club, who has also petitioned to intervene in this proceeding. Thank you, JUDGE O'CONNELL: Okay. Ms. McCloy, I am going to find that you f	1		1	the proceeding. And to avoid duplication of efforts
a And, four, the proposed specific actions petitioned to intervene in this proceeding. Thank you. a could impact issues related to Pacificory is customer going to find that you timely intervened in this b going to find that you timely intervened in this going to find that you timely intervened in this could impact issues for low and moderate income customers, which are groceding. Our rules do allow for a party to make an could impact issues for low and moderate income customers, which are groceding. Our rules do allow for a party to make an could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issues. And it to be an issue. could impact issues. could impact issue. And it to be an issue. could impact issue. could impact issue. And it to be an issue. could impact issue. could impact issue. And it to be an issue. could impact issue. <td></td> <td></td> <th></th> <td></td>				
4 JUDGE OCONNELL: Okay. Mit. McCloy, 1am 9 JUDGE OCONNELL: Okay. Mit. McCloy, 1am 11 Sider resources, distribution system investments, energy 5 12 JUDGE OCONNELL: Okay. Lat me turn to the 5 13 JUDGE OCONNELL: Okay. Lat me turn to the 5 14 MS. MCCLOY: Judge - Udge OConnel, may I 5 15 JUDGE OCONNELL: Oh, 1 apologize. Thought 10 16 memorisoin to continue? 20 17 regarding the complaint launched against Pacificop 17 18 messocial cost of greenhouse gases. 18 19 well cost of greenhouse gases. 14 MR. ROGAL:: Thank you. Your Honor, we 10 well cost of greenhouse gases. 14 MR. ROGAL:: Thank you. Your Honor, we 10 well cost of greenhouse gases. 14 MR. ROGAL:: Thank you. Your Honor, we 11 well cost of greenhouse gases. 14 MR. ROGAL:: Thank you. Your Honor, we 12 orial motion of the score of the complaint. And to intervenen. And that is 14 11 well cost of greenhouse gaseson the preatricos mation preason the pacificop's IRP				
 side resources, distribution system investments, energy efficiency, energy assistance, and other affordability issues for low and moderate income customers, which are proteities for NWEC. JUDGE OCONNELL: Okay. Let me turn to the other parties. I realize that - MS. MCCLOY: Made - Judge O'Connell, may I that you were - that you had finished. Please. MS. MCCLOY: Thank you. 1 apologize. I thought that you were - that you had finished. Please. MS. MCCLOY: Thank you. 1 apologize. MS. MCCLOY: Thank you. 1 apologize. mWEC seeks to indervene? MR. ROGALA: A thermoon, Your Honor. Zack Rogala here. JUDGE O'CONNELL: Ves, please, Mr. Rogala? MR. ROGALA: Thank you. Your Honor, we dialoging that the Company I failed to incorporate the social cost of greenhouse gases in the prefered portedio of the social costs of greenhouse gases in the prefered in Wathington pursuant to CETA. NWEC commented on this is washington pursuant to CETA. NWEC commented on this the application of the social costs of greenhouse gases. MWEC has extensive experience participation. And if Judge O'Connell, may buseful to the Cerling the development of Pacificorp MWEC as as to bis docket that may buseful to the different than NWEC association in the social costs of greenhouse gases. MWEC has extensive experience participation. MWEC has able to bring a unique and informed greeperience and the application. MWEC has able to bring a unique and informed greeperime of Order 03 denying the motion to consolidate his greeperimed a value intervene. MWEC has able to tring a unique and informed greeperint on i				
6 efficiency, energy assistance, and moderate income customers, which are priorities for NWEC. issues for low and moderate income customers, which are proceeding. Currules do allow for a party to make an oral motion – sorry – an oral petition at the probability contract in the proceeding. 9 JUDGE OCONNELL: Okay. Let me turn to the other parties. I realize that - JUDGE OCONNELL: Oh, I apologize. I thought that you were - that you thad finished. Please. Item were to the other parties and ask, are there any objections to NWEC spetition to intervene? 16 MS. MCCLOY: Judge - Judge OConnell, may I have permission to continue? Item were to the other parties. I realize ask, are there any objections to NWEC spetition to intervene? 17 MS. MCCLOY: Judge - Judge OConnell, may I have permission to continue? Item were to the other parties. I realize ask, are there any objections to NWEC ask to threaden the social cost of greenhouse gases in the prefored porticils of the Scial cost of greenhouse gases in Washington pursuant to CETA. WWEC commented on this is use during the development of PacifiCorp's IRP and is use during the development of PacifiCorp's IRP and is use during the development of PacifiCorp's IRP and is untimely potention to intervene. 1 Page 32 Page 34 11 WAC 44-07-35(1(1b), NWEC has good cause for filing an untimely potention to intervene. NWEC was first made intervention exail in staff. 1 Page 34 12 CEIP as well as Puget Sound Energy and Avista's CEIPs. NWEC base for parties and for the staff indepation. NWEC has the reason for the late lifed petition. JUDGE OC				
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22 in utility resource planning dockets and, in particular, 22 different than NWEC's representation. They noted that 23 the application of the social costs of greenhouse gases 23 24 in Washington pursuant to CETA. NWEC commented on this 23 25 issue during the development of PacifiCorp's IRP and 23 26 CEIP as well as Puget Sound Energy and Avista's CEIPs. 1 2 NWEC also commented extensively on this 3 3 issue during the rulemaking process for RCW 80-28-405. 1 But if they were to align their scope of 4 Accordingly, NWEC is able to bring a unique and informed 2 5 But if they were to align their scope of 3 issue during the rulemaking process for RCW 80-28-405. 1 But if they were to align their scope of 4 Accordingly, NWEC is able to bring a unique and informed 2 JUDGE O'CONNELL: No. 1 don't think any 7 And if Judge O'Connell would like, I'm also 1 JUDGE O'CONNELL: No. 1 don't think any 8 happy to address the reason for the late filed petition. 1 JUDGE O'CONNELL: No. 1 don't think any 10 WAC 48-07-355(1)(b), NWEC has good cause for filing an 10 MR. CALLACHAN: No objection	21		21	
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	Page 35		Page 37
1	ahead.	1	et cetera, due one week prior to the evidentiary
2	MS. McCLOY: Thank you, Judge O'Connell.	2	hearing, and the discovery deadline one week prior to
3	NWEC does not intend to broaden the issues of this	3	the exhibit list deadline.
4	proceeding, and I would amend my oral petition and my	4	JUDGE O'CONNELL: All right. I have a couple
5	written petition orally to remove the word	5	questions to clarify. So I noted the testimony date for
6	"unreasonably." So NWEC has no intention of broadening	6	Staff followed by response and then rebuttal or
7	the issues.	7	cross-answering testimony. On which date are the
8	JUDGE O'CONNELL: Okay. Well, having heard	8	intervenors and Public Counsel expected to file
9	from Mr. Rogala, that if that's the case, PacifiCorp has	9	testimony, if at all?
10	no objection. I will move forward as if there is no	10	MR. CALLAGHAN: My understanding is that it
11	objection, unless I hear from you again, Mr. Rogala.	11	would be the response testimony deadline.
12	MR. ROGALA: Yeah. Your Honor, I hear	12	JUDGE O'CONNELL: Okay. So to clarify my
13	Ms. McCloy noting that they're going to that they're	13	understanding, all parties who are not Staff would be
14	orally amending their petition to intervene to strike	14	potentially filing testimony on November 28 in response
15	that reference to broadening the complaint. So we have	15	to Staff's testimony.
16	no objection to their intervention.	16	And then on December 19, all parties,
17	JUDGE O'CONNELL: Okay. Thank you.	17	including Staff, would file testimony rebutting or in
18	Hearing no objections, then, NWEC's petition	18	response to the response testimony filed on November 28;
19	to intervene will be granted.	19	is that is my understanding correct?
20	Let's turn to the procedural schedule. The	20	MR. CALLAGHAN: That's correct, Your Honor.
21	parties submitted an agreed procedural schedule for	21	JUDGE O'CONNELL: Okay. I do have a question
22	Commission review. I am interested in whether NWEC has	22	about the hearing date. But before I get to that, I
23	had an opportunity to see that.	23 24	want to turn to NWEC.
24	So let me turn to you, Mr. Callaghan. Was		Ms. McCloy, have you had a chance to look at
25	NWEC involved in the discussions about the procedural	25	the dates? Would you like to have a little bit more
	Page 36		Page 38
1	schedule at all?	1	time and possibly to discuss with the parties off the
2	MR. CALLAGHAN: They were not, Your Honor.	2	record?
3	At the time, it was not clear to me whether or not NWEC	3	MS. McCLOY: Thank you, Judge O'Connell. I
4	was going to intervene. I did forward NWEC the schedule	4	have reviewed the dates. I do not need any more time,
5	that we had proposed, but they were not they had not	5	nor do I need to discuss them.
6	agreed to it or had time to discuss it. So I think	6	
7		0	JUDGE O'CONNELL: Okay. And do the dates work
/	that's one of this things that we'll need to clear up	7	JUDGE O'CONNELL: Okay. And do the dates work for NWEC?
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1	MR. CALLAGHAN: Sorry. The those would	1	filings and services are done electronically now,
2	be the weeks of the 9th and the 16th of January.	2	according to Commission rule. No paper copies will be
3	JUDGE O'CONNELL: Okay. Okay. Okay. So for	3	necessary when making a filing with the Commission
4	the time period 9th through the 20th.	4	during this proceeding.
5	Does PacifiCorp have any restrictions or	5	Now, most, if not all, of the parties have
6	conflicts? Mr. Rogala?	6	already indicated a lead representative and the names
7	MR. ROGALA: No, Your Honor. I thank you,	7	and email addresses of other representatives or support
8	Your Honor. Zack Rogala here. We do not have any	8	staff who should receive electronic courtesy copies.
9	conflicts in those two weeks.	9	But if you have not or if you'd like to make changes to
10	JUDGE O'CONNELL: Okay. Thank you.	10	that list, please email that to me before the close of
11	And for Public Counsel, Ms. Paisner?	11	business tomorrow, Wednesday.
12	MS. PAISNER: We do not have conflicts those	12	For NWEC, I haven't seen your written
13	weeks in January. However, I am thinking on where	13	petition to intervene come through. If it has that
14	the briefing would fall thereafter. My only conflict	14	information on it, I will see it. If you would email me
15	would be the week of February. I know that's sort of,	15	any persons who should be added to that list that isn't
16	perhaps, getting ahead of things. So I suppose we don't	16	in your petition to intervene, please do so by tomorrow,
17	have any conflict during those two weeks in January from	17	Wednesday. My email address is Andrew.J.Oconnell,
18	the 9th through the 20th, to answer your question.	18	that's O-C-o-n-n-e-I-I, @utc.wa.gov.
19	JUDGE O'CONNELL: Okay. But let me share	19	That covers all the topics I had for this
20	what's in my mind. Having looked at the Commission's	20	prehearing conference. Is there anything else we need
21	calendar, there's an open meeting on Thursday,	21	to address today?
22	January 12, and Staff and Public Counsel are regularly	22	Okay. Hearing nothing, I will issue an
23	involved in the open meeting. PacifiCorp might be the	23	order by the end of the week containing the procedural
24	long way off. So that was the one thing on the calendar	24	schedule and other guidelines for the disposition of
25	I noted that could be a conflict. I don't intend to	25	this case. And we are adjourned. Thank you all.
	Page 40		Page 42
1	schedule the hearing on Thursday, the 12th. I wanted to	1	(Adjourned at 1:57 p.m.)
2	point that out.	2	()
3	Okay. Let me turn to AWEC. Do you have any	3	
4	restrictions or conflicts?	4	
5	MS. MOSER: Thank you, Your Honor. My only	5	
6	conflict was on the 12th, which sounds like that won't	6	
7	be an issue. Other than that, I'm available.	7	
8	JUDGE O'CONNELL: All right. Thank you.	8	
9	For the Sierra Club?	9	
10	MS. MONAHAN: Thank you, Your Honor. This	10	
11	is Rose Monahan for the Sierra Club. We do not have any	11	
12	conflicts during those two weeks.	12	
13	JUDGE O'CONNELL: Okay. And from NWEC?	13 14	
14	MS. McCLOY: This is Lauren McCloy for NWEC.	14	
15 16	We do not have any conflicts during those two weeks either.	16	
10	JUDGE O'CONNELL: Okay. Having looked at the	17	
18	calendar for the Commission, I am, at this point,	18	
19	intending to set the evidentiary hearing for the 19th of	19	
20	January. Okay. And I will include in the prehearing	20	
20	conference order the direction regarding sharing of all	21	
22	data requests and responses with each party as the	22	
23	parties requested when they submitted their agreed	23	
24	procedural schedule.	24	
25	Regarding electronic filing and service, all	25	

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2		
3		
4 5	COUNTY OF THURSTON	
6	I, Tayler Garlinghouse, a Certified Shorthand	
7	Reporter in and for the State of Washington, do hereby	
8	certify that the foregoing transcript is true and	
9	accurate to the best of my knowledge, skill and ability.	
10 11		
12		
13	TOTO	
14		
15	Tayler Garlinghouse, CCR 3358	
16	Tayler Garlinghouse, CCR 3358	
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