## Docket Nos. UE-180532 and UG-180533 (Consolidated) - Vol. I

## Washington Utilities and Transportation Commission v. Puget Sound Energy

June 28, 2018



COURT REPORTING AND LEGAL VIDEO

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Page 1	Page 3
BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	1 A P P E A R A N C E S (Cont.) 2 FOR ALLIANCE OF WESTERN ENERGY
WASHINGTON UTILITIES AND )DOCKET NOS. UE-180532 and TRANSPORTATION COMMISSION, )UG-180533 (Consolidated)	3 CONSUMERS: 4 PATRICK OSHIE RILEY PECK (via bridge line)
) Complainant, )	5 Davison Van Cleve, PC 1750 Southwest Harbor Way
	6 Suite 450 Portland, Oregon 97201
vs. )	7 (503) 241-7242 pjo@dvclaw.com
PUGET SOUND ENERGY ) )	8 rgp@dvclaw.com 9 FOR THE ENERGY PROJECT:
) Respondent. )	(Via bridge line) 10 SIMON FFITCH
	Attorney at Law 11 321 High School Road Northeast
PREHEARING CONFERENCE, VOLUME I Pages 1-15	Suite D3, Box No. 383 12 Bainbridge Island, Washington 98110
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June 28, 2018	14 FOR FEDERAL EXECUTIVE AGENCIES: (Via bridge line)
2:00 p.m.	15 RITA LIOTTA Counsel for the FEA
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1 APPEARANCES	1 A P P E A R A N C E S (Cont.)
2 ADMINISTRATIVE LAW JUDGES: 3	2 FOR NUCOR STEEL: (Via bridge line)
RAYNE PEARSON 4 LAURA CHARTOFF	3 DAMON E. XENOPOULOS, ESQ.
Washington Utilities and 5 Transportation Commission	4 SHAUN C. MOHLER, ESQ. 4 Stone Mattheis Xenopoulos &
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FOR PUBLIC COUNSEL:	10
13 (Via bridge line) LISA GAFKEN	11
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25	

1 (Pages 1 to 4)

	Page 5	Page 7
1	OLYMPIA, WASHINGTON; JUNE 28, 2018	1 And Northwest Energy Coalition?
2	2:00 P.M.	2 MS. BOSH: Joni Bosh with Northwest Energy
3	000	3 Coalition.
4	PROCEEDINGS	4 JUDGE PEARSON: Oh, if you could come
5		5 forward and speak into the microphone. And why don't
6	JUDGE PEARSON: All right. Then let's be on	6 you go ahead and take a seat up here since you're here.
7	the record. Good afternoon. My name is Rayne Pearson.	7 You can sit over here at the table if you'd like, and
8	I'm an administrative law judge with the Washington	8 just turn the microphone on, make sure the red light is
9	Utilities and Transportation Commission. And with me	9 illuminated, and speak into the microphone so people on
10	today on the bench is Judge Laura Chartoff.	10 the bridge line can hear you.
11	We are here today for a status conference in	11 MS. BOSH: Do you want me to do it again?
12	consolidated Dockets UE-180532 and UG-180533, which is	12 JUDGE PEARSON: Yes.
13	PSE's 2018 expedited rate filing.	13 MS. BOSH: Joni Bosh, Northwest Energy
14	Today is Thursday, June 28th, 2018, and the	14 Coalition.
15	time is just after 2:00 p.m.	15 JUDGE PEARSON: Thank you.
16	With me in the hearing room is Chris Casey,	16 And for Nucor Steel?
17	representing Staff, and Pat Oshie, representing AWEC.	17 MR. XENOPOULOS: Good afternoon, Your Honor
18	So let's get started by taking short	18 This is Damon Xenopoulos, also entering the appearance
19	appearances beginning with the Company. And as I said	19 of Shaun Mohler. Thank you, Your Honor.
20	before we went on the record, I will do a roll call for	20 JUDGE PEARSON: Okay. Thank you.
21	those of you who are on the bridge line so that you	21 Is there anyone else on the bridge line who
22	don't speak over each other.	22 wishes to enter an appearance? Okay. Hearing none
23	So, PSE, if you could go first and enter a	MR. PECK: Yes, Your Honor. This is Riley
24	short form appearance.	24 Peck, also for AWEC.
25	MR. STEELE: Thank you, Your Honor. This is	25 JUDGE PEARSON: I'm sorry?
	Page 6	Page 8
1	Page 6 David Steele with Perkins Coie, here on behalf of the	1 MR. PECK: This is Riley Peck, also for
1 2		
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2	David Steele with Perkins Coie, here on behalf of the Company. With me is Jon Piliaris, Katherine Barnard,	1 MR. PECK: This is Riley Peck, also for 2 AWEC.
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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	<ul> <li>David Steele with Perkins Coie, here on behalf of the Company. With me is Jon Piliaris, Katherine Barnard, and Susan Free.</li> <li>JUDGE PEARSON: Okay. Thank you. And Staff?</li> <li>MR. CASEY: Christopher Casey, Assistant</li> <li>Attorney General, for Commission Staff.</li> <li>JUDGE PEARSON: All right. And, Mr. Oshie?</li> <li>MR. OSHIE: Thank you, Your Honor. Patrick</li> <li>Oshie, representing the Alliance of Western Energy</li> <li>Consumers and with the law firm Davison Van Cleve.</li> <li>JUDGE PEARSON: Okay. Thank you.</li> <li>And Public Counsel?</li> <li>MS. GAFKEN: Hi, this is Lisa Gafken,</li> <li>Assistant Attorney General, for Public Counsel, and also</li> <li>with me is Nina Suetake, Assistant Attorney General.</li> <li>JUDGE PEARSON: Thank you.</li> <li>And for The Energy Project?</li> <li>MR. FFITCH: Good afternoon, Your Honor.</li> <li>Simon ffitch appearing on behalf of The Energy Project.</li> <li>JUDGE PEARSON: Okay. Thank you.</li> <li>And Federal Executive Agencies?</li> <li>MS. LIOTTA: Good afternoon, Your Honor.</li> </ul>	1       MR. PECK: This is Riley Peck, also for         2       AWEC.         3       JUDGE PEARSON: Okay. Thank you.         4       Anyone else?         5       Okay. So the Company filed a letter         6       yesterday stating its intention to withdraw its filing,         7       and I'd like to hear from the Company now about how it         8       intends to proceed.         9       Mr. Steele?         10       MR. STEELE: Thank you, Your Honor. Yes, we         11       received a letter Staff filed a letter a few days         12       ago, indicating its intent to file a motion to dismiss         13       PSE's ERF. And after discussing that position         14       internally, while PSE agrees with the basis for Staff's         15       motion, PSE has determined that the best course at this         16       time is to withdraw the filing.         17       By way of background, the genesis of the ERF         18       was the 2000 GRC where the settling parties agreed that         19       PSE could file an ERF and that the Company should follow         20       the procedures that were used in the 2013 ERF.         21       PSE had done that. Unfortunately, Staff         22       appears to be challenging many aspects of PSE's filings

2 (Pages 5 to 8)

	Page 9		Page 11
1	permitted, the type of evidence needed to demonstrate	1	so for that reason, the Company does not believe that
2	whether an ERF is needed despite what was used by the	2	consolidation would be appropriate.
3	Commission to approve PSE's last ERF. And frankly,	3	The Company also believes that the issues
4	Staff's perspective on these issues seems to be	4	that would be addressed in the accounting petition would
5	evolving.	5	far exceed the scope of what would be addressed in an
6	That said, the Company's withdrawing for two	6	ERF; for example, it would require addressing power
7	main reasons. One is concern about the timing of	7	costs, which are outside of an ERF.
8	extensive motions this early in the case. The purpose	8	And the number of issues that would likely
9	of the ERF was to facilitate an expedited process so the	9	have to be addressed would make it very difficult to
10	Company could adjust and update its rates, its rates	10	adhere to the 120-day schedule and would probably take
11	based on the changes since the GRC, and is concerned	11	far longer, which would likely dilute the value of an
12	about the timing that motion practice could push that	12	ERF to the Company.
13	back.	13	The Company would be open to addressing the
14	The Company also believes that in light of	14	issues in the accounting petition in a GRC, and frankly,
15	Staff's new position on ERF, that the Company would like	15	I think the Company, I believe that would be the
16	to take time to better understand Staff's new position	16	appropriate place to do it.
17	before it decides how to proceed.	17	If the Commission requires the Company to
18	And so to answer your question, Your Honor,	18	consolidate the counterpetition with an ERF, the Company
19	the Company is still deciding on its options, both on	19	would likely not file an ERF at all and would likely
20	timing and next step. The Company may file another ERF	20	file a GRC instead.
21	in the next month or so or it may simply decide to move	21	JUDGE PEARSON: Mr. Casey?
22	forward with the GRC in the coming months. I think it's	22	MR. CASEY: Staff would not object to
23	still I think the Company is still evaluating its	23	consolidating with the dockets you mentioned, but Staff
24	position and would likely talk to Staff before it makes	24	would also note that it does believe there are other
25	a decision on how to proceed.	25	avenues that the accounting petition could be dealt
	Page 10		Page 12
1	JUDGE PEARSON: Okay. So is there any party	1	with, and Staff is open to those avenues as well.
2	that objects to PSE's intent to file a motion to	2	JUDGE PEARSON: Thank you.
3	withdraw?	3	And Public Counsel?
4	MR. OSHIE: No objection from AWEC, Your	4	MS. GAFKEN: Hi. Public Counsel doesn't
5	Honor.	5	have an objection in concept to consolidating the
б	JUDGE PEARSON: Okay. And hearing nothing	6	accounting petition with the ERF proceeding, but we
7	from anyone else, I'll assume that no party objects.	7	what I was going to say was, we wouldn't we don't
8	And so, Mr. Steele, if the Company could	8	know how long it will be until Puget files an ERF, and
9	state as much in its filing, we can get an order out on	9	today we've heard that it's probably not going to be
10	the motion to withdraw that much faster.	10	within the next 30 days.
11	MR. STEELE: Will do, Your Honor.	11	So I think I have a little bit of a
12	JUDGE PEARSON: And as I stated in my email	12	different perspective than what Puget just enunciated.
13	this morning, I'd also like to hear from the parties	13	My thought was, I don't necessarily think it's a good
14	about their positions about the possibility of	14	idea to delay the accounting petition as we wait for a
15 16	consolidating any revised filing if PSE does choose to	15 16	new filing to come in.
17	file a revised ERF in the next 30 days, consolidating that filing with PSE's accounting petitions in Dockets	17	And so while I don't object to the concept
18	UE-171225 and UE-171226 for orders authorizing the	18	of consolidating, because I do think the issues can be
10	accounting treatment of the deferred accounting	19	dealt with and should be dealt with expeditiously, I don't know that we necessarily need to wait for that
エン	associated with the Federal Tax Act on PSE's cost of	20	future filing to come in before the accounting petition
		1 40	÷ .
20		21	is dealt with
20 21	service.	21	is dealt with.
20 21 22	service. So let's start with PSE on that question.	22	JUDGE PEARSON: Okay. Thank you.
20 21 22 23	service. So let's start with PSE on that question. MR. STEELE: Thank you, Your Honor. You	22 23	JUDGE PEARSON: Okay. Thank you. Mr. Oshie?
20 21 22	service. So let's start with PSE on that question.	22	JUDGE PEARSON: Okay. Thank you.

Page 13     Page 13       1     here are what the Tax Cuts and Jobs Act have would apped to have happen either through an ERP or, you know, through a GRC.     1     CERTIFICATE       2     They've already norporated the new rates, and I think that's ready wate - what would apped to have happen either through an ERP or, you know, through a GRC.     5     STATE OF WASHINGTON       7     Imean, that's going to be the Company's choice on - for a particular path.     1     Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby to do-to - for a particular path.       11     But think - but the important point is, is that the benefit from the Tax Cuts and Jobs Act that should be incorporated in the rates as quickly as possible a siluded to by Ms. Garken. And that's certainly our position and the consolidation, and we generally concur with comments of the Industrial generally concur with comments of the Industrial distribution either.       7     MS. BOSH: I don't think Northwese Energy MS. KINOPOLOS: Your Honor, wis is Damon this along would be fore.       7     MS. BOSH: I don't think Northwese Energy MS. KINOPOLOS: Your Honor, wis is Damon NS. LIOTTA: Your Honor, yes, FEA does not object to the consolidation either.       7     MS. KINOPOLOS: Your Honor, with si Damon NS. LIOTTA: Your Honor, yes, FEA does not object to the consolidation either.       7     MS. KINOPOLOS: Your Honor, Wast an order on that motion shorthy threatter. And we are a order on that motion shorthy threatter. And we are a adjourmed. Th				
2     They've already for example, for other utilities,     2       3     they've already incorporated the new rates, and think that's really what - what we would expect to have happen either through an EKF or, you know, through a     3       6     GRC.     Iman, that's going to be the Company's choice on which path threy want to take unless they're - influenced by the Commission in some way to do - to - for a particular path.     1       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     11       1     But think - but the important point is,     12       1     Tayler Garlinghouse, CCR 3338     13       1     JUDGE PEARSON: Great. Thank you.     16       1     Tayler Garlinghouse, CCR 3338     13       2     Generation and the consolidation could be     15       1     Tayler Garlinghouse, CCR 3338     14       2     Generation and the consolidation could be     15       2     Generation and the consolidation could be     17		Page 13		Page 15
2       They've already for example, for other utilities.       2         4       they're already incorporated the new reless, and think       3       STATE OF WASHINGTON         4       that's really what what we would expect to have       3       STATE OF WASHINGTON         6       GRC.       Imean, that's going to be the Company's       1       1. Tayler Garlinghouse, a Certified Shorthand         7       Imean, that's going to be the Commission in some way       1       1. Tayler Garlinghouse, a Certified Shorthand         8       to do - to - for a particular path.       10       10         11       But I think - but the important point is,       11       11         12       is that the benefit from the Xa Cuts and Jobs At       12       13         13       should be incorporated in the rates as quickly as       13       13         14       possible as altuded to by MG. Garken. And that's       14       14         15       certainly our position and the consolidation could be       15       15         16       thet pathway. And so were, you know, open to it and do       16       17         18       JUDGE PEARSON: Great. Thank you.       18       17         20       Colation would object oithe.       12       23         21       Colat	1	here are what the Tax Cuts and Jobs Act have done.	1	CERTIFICATE
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<ul> <li>bappen einer through an ERF or, you know, through a</li> <li>GRC.</li> <li>Imean, that's going to be the Company's</li> <li>choice on which path they want to take unless they're -</li> <li>unless they're influenced by the Commission in some way</li> <li>to do - to - for a particular path.</li> <li>is that the benefit from the Tax Cuts and Jobs Act</li> <li>should be incorporated in the rates as quickly as</li> <li>possible as alluded to by MS. Garten. And that's</li> <li>certariby any possible as alluded to by MS. Garten. And that's</li> <li>that pathway. And so we're, you know, open to it and do</li> <li>not object to it.</li> <li>UDGE PEARSON: Great. Thank you.</li> <li>generally concur with comments of the Industrial</li> <li>generally concur with comments of the Industrial</li> <li>generally concur with comments of the Industrial</li> <li>MS. BOSH: I don't think Northwest Energy</li> <li>Colation would object either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>MS. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the consolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>MS. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the osnolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>MS. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the consolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>MS. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the onsolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>Ms. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the consolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>Ms. LOTTA: Your Honor, yes, FEA does not</li> <li>object to the consolidation either.</li> <li>JUDGE PEARSON: Chay. And for Nucor Steel?</li> <li>Ms. KENPOPOULOS: Your Honor, this is Damon</li> <li>Xonopoulos, and Nucor Where here to cody for many of the parties?</li> <li>Okay. Hearing nothing, then we will wait&lt;</li></ul>	3		3	STATE OF WASHINGTON
6       GRC.       Image: Transport         7       Image: Transport       Image: Transport         9       unless they're influenced by the Commission in some way       Preprior in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.         11       But I think - but the important point is, is that the benefit from the Tax Cuts and Jobs Act       11         12       is that the benefit from the Tax Cuts and Jobs Act       12         13       should be incorporated in the rates as quickly as isold be incorporated in the consolidation could be incorporated to the consolidation, and we generally concur with comments of the Industrial generally concurs, and they concur with comments of the Industrial generally concurs, and know Stele des not object there.       12         12       MS. BOSH: I don't think Northwest Energy Colation would object either.       23         24       JUDGE PEARSON: Thank you.       24         14       MS. BOSH: I don't think Northwest Energy Colation would object Genergy and the consolidation either.       23         25       MS. Lotn?       MS. Lotn?         6       MS. Lotn?       MS. Kory. Thank you.         11       Coston Stelei des	4	that's really what what we would expect to have	4	COUNTY OF THURSTON
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9 unless they're influenced by the Commission in some way 10 to do - to - for a particular path. 11 But I think - but the important point is, 12 is that the benefit from the Tax Cuts and Jobs Act 13 should be incorporated in the rates as quickly as 14 possible as alluded to by Ms. Gafken. And that's 14 certainly our position and the consolitation could be 15 that pathway. And so we're, you know, open to it and do 16 that pathway. And so we're, you know, open to it and do 17 not object to it. 19 Mr. FFITCH: Thank you. 19 Mr. FFITCH: Thank you. 20 MR. FFITCH: Thank you. 21 Project does not object to consolidation, and we 22 generally concur with comments of the Industrial 22 generally concur with comments of the Industrial 23 Lostomers and Public Coursel. 24 JUDGE PEARSON: Thank you. 25 Ms. BOSH: I don't think Northwest Energy 20 Colotion would object either. Whatever seems to move 3 this along would be fine. 3 JUDGE PEARSON: Thank you. 5 Ms. Liotta? 6 Ms. Liotta? 6 Ms. Liotta? 6 Ms. Liotta? 7 Ms. BOSH: I don't think Northwest Energy 20 LOJGE PEARSON: Thank you. 5 Ms. Liotta? 6 Ms. Liotta? 7 Ms. BOSH: I don't think Northwest Energy 20 LOJGE PEARSON: Thank you. 5 Ms. Liotta? 6 Ms. Liotta? 6 Ms. Liotta? 6 Ms. Liotta? 7 Ms. KENCPOLUCS: Your Honor, this is Damon 10 Xenopoulos, and Nucor Steel does not object to the 21 consolidation either and generally agrees with Public 22 consets braite ard generally agrees with Public 23 JUDGE PEARSON: Chay. Thank you. 3 Hirght. Is there anything eites that we 3 en order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, and we'll issue 4 an order on that motion to withdraw, a	8		8	
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