

**Docket Nos. UE-220066 and UG-220067 (Consolidated) -
Vol. I**

WUTC v. Puget Sound Energy

February 28, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKETS UE-220066 and
TRANSPORTATION COMMISSION,) UG-220067
) (Consolidated)
Complainant,)
))
vs.)
))
PUGET SOUND ENERGY,)
))
Respondent.

VIRTUAL PREHEARING CONFERENCE
VOLUME I

Pages 1-101

ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

(All participants appeared via videoconference.)

DATE TAKEN: FEBRUARY 28, 2022

REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100

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1 LACEY, WASHINGTON; FEBRUARY 28, 2022

2 9:26 a.m.

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

5

6 JUDGE HOWARD: Good morning. We're here
7 today for a prehearing conference in Dockets UE-220066
8 and UG-220067. This case is captioned Washington
9 Utilities and Transportation Commission versus Puget
10 Sound Energy. This is a general rate case filed by
11 Puget Sound Energy or PSE.

12 My name is Michael Howard. I use he/him
13 pronouns. I'm an administrative law judge with the
14 Commission, and I'll be co-presiding in this matter
15 along with the Commissioners. The Commissioners will
16 not be joining us at this particular prehearing
17 conference today, though.

18 Let's start by taking appearances, beginning
19 with PSE.

20 MS. CARSON: Good morning, Your Honor.
21 Sheree Strom Carson with Perkins Coie representing Puget
22 Sound Energy.

23 Also appearing with me today are David Steele
24 with Perkins Coie, and Mr. Steele will be responding to
25 petitions to intervene.

1 Pam Anderson and Byron Starkey are also
2 appearing, and we have filed a notice of appearance.

3 JUDGE HOWARD: Thank you.

4 Could we have an appearance for Staff.

5 MS. CAMERON-RULKOWSKI: Good morning, Your
6 Honor. This is Jennifer Cameron-Rulkowski, Assistant
7 Attorney General, appearing on behalf of Staff.

8 And with me in this case are Assistant
9 Attorneys General, Jeff Roberson, Nash Callaghan, Harry
10 Fukano, Joe Dallas, and Daniel Teimouri.

11 JUDGE HOWARD: Thank you.

12 Could we have an appearance for Public Counsel.

13 MS. GAFKEN: Good morning, Judge Howard. My
14 name is Lisa Gafken. I'm an Assistant Attorney General
15 appearing on behalf of Public Counsel.

16 Also appearing in this case with me is
17 Assistant Attorney General, Ann Paisner.

18 JUDGE HOWARD: Thank you.

19 Do we have an appearance for AWEC?

20 MR. COLEMAN: Good morning, Your Honor.
21 Brent Coleman of the law firm Davison Van Cleve on
22 behalf of the Alliance of Western Energy Consumers.

23 JUDGE HOWARD: Thank you.

24 Could we have an appearance for The Energy
25 Project.

1 MR. FFITCH: Good morning, Your Honor. This
2 is Simon ffitch appearing as counsel for The Energy
3 Project.

4 And in addition, intervening or appearing for
5 The Energy Project in this case will be Yochi Zakai, and
6 our information is provided in the notice appearance and
7 petition to intervene in the case.

8 JUDGE HOWARD: Thank you.

9 Could we have an appearance for The Federal
10 Executive Agencies.

11 MS. LIOTTA: Yes, good morning, Your Honor.
12 This is Rita Liotta representing The Federal Executive
13 Agencies.

14 JUDGE HOWARD: All right. Thank you.

15 And could we hear from Nucor Steel Seattle.

16 MR. XENOPOULOS: Good morning, Your Honor.
17 This is Damon Xenopoulos of Stone Mattheis Xenopoulos &
18 Brew appearing for Nucor Steel Seattle.

19 Also appearing with me in this case are Shaun
20 Mohler and Laura Baker of Stone Mattheis Xenopoulos &
21 Brew. Thank you.

22 JUDGE HOWARD: Thank you.

23 And could we have an appearance for Walmart.

24 MS. BALDWIN: Good morning, Your Honor.
25 This is Vicki Baldwin with the law firm of Parsons Behle

1 & Latimer on behalf of Walmart.

2 JUDGE HOWARD: Thank you.

3 Could we hear from Sierra Club.

4 MS. SMITH: Yes, thank you, Your Honor.

5 This is Gloria Smith for Sierra Club.

6 JUDGE HOWARD: Thank you.

7 Could we have an appearance for King County.

8 MR. MAYER: Yes, good morning, Your Honor.

9 This is Ben Mayer from K&L Gates for King County.

10 I'll be appearing with my partner K&L Gates and

11 alongside Senior Deputy Prosecuting Attorneys, Verna

12 Bromley and Raul Martinez of King County.

13 JUDGE HOWARD: Thank you.

14 Could we have an appearance for NWECC.

15 MS. PAREKH: Good morning, Your Honor.

16 Jaimini Parekh with Earthjustice, and my colleague Jan

17 Hasselman is still on the line. And we are representing

18 Northwest Energy.

19 JUDGE HOWARD: Thank you.

20 Could we have an appearance for the Puyallup

21 Tribe.

22 MS. ANDERSON: Good morning, Your Honor.

23 I'm Lisa Anderson. I'm appearing for the Puyallup

24 Tribe. I am an in-house attorney with The Law Office of

25 the Puyallup Tribe.

1 With me, I have Alec Wrolson, who is also a
2 staff attorney with The Law Office of the Puyallup
3 Tribe, and Nicholas Thomas, who is with Ogden Murphy
4 Wallace.

5 JUDGE HOWARD: Thank you.

6 So are there any other organizations on the
7 call today that would like to give a verbal notice of
8 appearance here?

9 MS. THURAISINGHAM: Hello, my name is Mariel
10 Thuraisingham. I'm with Front and Centered, and I am
11 here.

12 MR. ARAMBURU: Your Honor, I am Richard
13 Aramburu, representing CENSE in these proceedings.

14 JUDGE HOWARD: I'm sorry. I did overlook --
15 I had CENSE in my notes. I apologize. Thank you,
16 Mr. Aramburu.

17 MR. PEPPLER: Good morning, Your Honor. This
18 is Tyler Pepple and Corinne Milinovich, both from
19 Davison Van Cleve, here on behalf of Microsoft
20 Corporation.

21 JUDGE HOWARD: All right. Thank you.

22 For -- first, Front and Centered, and then
23 Microsoft, would the attorneys mind giving the spelling
24 of their names and giving their contact information
25 because if you have filed a notice of appearance in this

1 docket, it hasn't gone through our case's online filing
2 app yet.

3 MS. THURAISINGHAM: I can start. This is
4 Mariel Thuraisingham. I'm not an attorney with this
5 organization but a staff person. M-A-R-I-E-L,
6 Thuraisingham, T-H-U-R-A-I-S-I-N-G-H-A-M.

7 JUDGE HOWARD: Thank you. And can I ask
8 what your position is with the organization?

9 MS. THURAISINGHAM: Clean Energy Policy
10 Lead.

11 JUDGE HOWARD: Thank you. And there are
12 many circumstances where it is perfectly fine for a
13 non-attorney to represent an organization before the
14 commission.

15 Just out of curiosity, does Front and Centered
16 anticipate hiring an attorney to represent them in this
17 proceeding?

18 MS. THURAISINGHAM: We're not sure yet.

19 JUDGE HOWARD: Okay.

20 So I would turn next to Microsoft for the
21 attorney's contact information.

22 MR. PEPPLER: Yes, Your Honor. So my name is
23 Tyler Pepple, T-Y-L-E-R. Last name is P-E-P-P-L-E.

24 Also Corinne Milinovich, C-O-R-I-N-N-E,
25 M-I-L-I-N-O-V-I-C-H.

1 And you need the address? Is that what you're
2 looking for?

3 JUDGE HOWARD: That would be great.

4 MR. PEPPLER: Address is 1750 Southwest
5 Harbor Way, Suite 450, Portland, Oregon 97201.

6 And we did file an intervention this morning,
7 so all that information should be in there once it makes
8 it through the process.

9 JUDGE HOWARD: Okay.

10 Are there any other organizations that I have
11 not addressed yet that wish to make a verbal notice of
12 appearance?

13 All right. Hearing none, let's turn to the
14 issue of the petitions for intervention.

15 So, Mr. Pepple, it does sound that Microsoft
16 has filed the petition for intervention this morning.
17 So it has not popped up in my e-mail yet, so I have not
18 had a chance to review it. And we will address that in
19 a moment.

20 Are there any other petitions for intervention
21 that any organization would like to make other than what
22 we have received in writing so far?

23 Okay. Hearing none.

24 From Front and Centered, does Front and
25 Centered plan to petition for intervention in this case?

1 MS. THURAISINGHAM: We may here as soon as
2 we make that determination, but it's still being
3 discussed by supervisors. And I think we have some time
4 there; is that correct? Do you need to know right now?

5 JUDGE HOWARD: Under our rules, the petition
6 should be filed three business days before the
7 prehearing conference. We can consider a late-filed
8 petition for intervention if there's good cause.

9 So if the organization does file a petition for
10 intervention, I would suggest you do that sooner rather
11 than later, and explain, to the best as you can, good
12 cause for not filing it earlier, and I'll consider that
13 at the time.

14 MS. THURAISINGHAM: Thank you, Your Honor.
15 We'll know as soon as possible.

16 JUDGE HOWARD: Thank you.

17 So including Microsoft's petition for
18 intervention, we have received a total of 11 petitions
19 for intervention from the following organizations: The
20 Energy Project, AWEC, Federal Executive Agencies, Nucor
21 Steel Seattle, Walmart, the Sierra Club, Microsoft,
22 CENSE -- that's Coalition of Eastside Neighborhoods For
23 Sensible Energy if I have that correctly -- NWEK, King
24 County, and the Puyallup Tribe.

25 And I have received and reviewed PSE's written

1 objections to both CENSE and the Puyallup Tribe's
2 petitions for intervention, and we will discuss those in
3 a moment and give each side of that dispute a chance to
4 present argument.

5 But first, are there any verbal objections to
6 any of the petitions for intervention today?

7 MR. STEELE: Your Honor, this is David
8 Steele with Perkins Coie for PSE.

9 For Sierra Club, we do not object to their
10 intervention, but we do have concerns about the scope.
11 And so I'm happy to address that at the appropriate
12 time. I just wanted to note that now.

13 JUDGE HOWARD: Certainly. Let me just make
14 sure I add that to my notes here.

15 All right. Before we turn to CENSE and the
16 Puyallup Tribe --

17 MR. COLEMAN: Judge, may I briefly -- sorry,
18 I was waiting for you to check your notes. I apologize.

19 Brent Coleman on behalf of AWEC. And just
20 briefly, AWEC would join the Company's objection to
21 CENSE -- to their intervention. Just briefly, we agree
22 that we have some concerns with respect to relitigating
23 some of the issues that they have previously discussed
24 and potentially expanding the scope of the proceeding.

25 And we also agree that Public Counsel is

1 certainly sophisticated and competent enough to
2 represent the residential small commercial customers
3 that are the membership of CENSE. So we think there's
4 some duplication there.

5 JUDGE HOWARD: Thank you. I will allow AWEC
6 an opportunity to comment when we get to that point
7 later on in a few minutes here.

8 MS. GAFKEN: If I may also as well, Public
9 Counsel does not object to any of the petitions for
10 interventions, but we do have some opinions regarding
11 the objections that have been raised. When the time is
12 appropriate, we'd like to speak as well.

13 JUDGE HOWARD: Certainly.

14 MS. GAFKEN: Thank you.

15 JUDGE HOWARD: And I would appreciate
16 hearing Public Counsel's position on those.

17 So before we turn to CENSE and Puyallup Tribe,
18 I did want to address the representative for Microsoft.

19 So it does appear that Microsoft has filed a
20 written petition intervention, but it was this morning.
21 As I mentioned earlier, the Commission can consider
22 late-filed petition for intervention if there's good
23 cause.

24 Mr. Pepple, I don't want to rule on your
25 petition for intervention without reading it. Does that

1 petition address the good cause standard?

2 MR. PEPPLER: Your Honor, it does not.

3 My understanding is that a late-filed petition
4 is actually a petition that's filed after the prehearing
5 conference. I do understand that the Commission prefers
6 written interventions three days before, but my
7 understanding is that the actual late-filed petition
8 would only occur if it was filed after the prehearing
9 conference.

10 However, I was out of the office all week last
11 week, and so that's essentially why we got it in today.

12 JUDGE HOWARD: Yeah. Mr. Pepple, I'm just
13 refreshing my memory here looking at our rules.

14 WAC 480-07-355 and Paragraph 1A does say
15 written petitions to intervene should be filed at least
16 three business days before the initial hearing date or
17 prehearing conference date, whichever occurs first. So
18 that is what I was referring to.

19 I don't want to pry into your personal business
20 by any measure, but is there -- you referred to being
21 out of the office and that led to the petition being
22 filed late. Can you tell me more about that.

23 MR. PEPPLER: Certainly, Your Honor. It was
24 simply that -- yeah, I mean, I was out of the office and
25 did not have access to Internet last week for much of

1 the week, and therefore, we simply didn't file it until
2 this morning.

3 But, again, I think my understanding of the
4 rule is that late-filed petition occurs after the
5 prehearing conference. But I do apologize for not
6 getting it in within the preferred three-day window.

7 JUDGE HOWARD: All right. Maybe our rules
8 are a little ambiguous on that point. I'm going to take
9 Microsoft's petition into consideration because I do
10 want to read it before I have a ruling on it.

11 But for the purposes of today, I would like
12 Microsoft to participate in any scheduling discussions.

13 MR. PEPPLER: Thank you, Your Honor.

14 JUDGE HOWARD: Thank you.

15 So let's turn to the two disputed petitions for
16 intervention, CENSE and Puyallup Tribe. And I want to
17 start with CENSE. Let me make sure I have something in
18 my notes here first.

19 So I want to ask a few questions of CENSE, and
20 then I'll give CENSE an opportunity to just provide a
21 more general argument on this issue. You know, a brief,
22 brief argument. But I do want to ask a few questions of
23 the organization first, and then I would turn to PSE and
24 AWEC for their responses.

25 So I did see that PSE filed a motion to strike

1 CENSE's reply in support of its petition to intervene,
2 and I did have a chance to read that.

3 Does CENSE have any response to that motion?

4 MR. ARAMBURU: I have not seen that motion
5 or that response. I don't know when it was filed.

6 JUDGE HOWARD: It was quite recently. I
7 have it going through at 8:49 a.m. this morning. But
8 there's frequently a bit of a delay between when
9 something is filed and when it's actually processed and
10 when I see it.

11 MR. STEELE: Your Honor, that time is
12 accurate. We filed it first thing this morning as soon
13 as we could.

14 JUDGE HOWARD: Okay. So, Mr. Aramburu -- am
15 I saying your last name correctly?

16 MR. ARAMBURU: You are. Thank you.

17 JUDGE HOWARD: So with the caveat that this
18 is all happening right before the prehearing conference,
19 you might not have had a chance to read this motion, and
20 that's understandable. I mean, PSE has moved to strike
21 the reply because CENSE did not ask for leave to file
22 the reply in support of its petition.

23 Do you have any response to that argument?

24 MR. ARAMBURU: We were in a hurry on Friday
25 to respond to this so it could be submitted in time for

1 the prehearing conference. And so we apparently erred
2 in not seeking leave to file, but we do seek that leave
3 this morning, please.

4 JUDGE HOWARD: All right. I would take it
5 you're formally seeking leave to file your reply now?

6 MR. ARAMBURU: Correct.

7 JUDGE HOWARD: All right.

8 MS. CAMERON-RULKOWSKI: Your Honor, this is
9 Jennifer Cameron-Rulkowski. May I interject something?

10 JUDGE HOWARD: Certainly.

11 MS. CAMERON-RULKOWSKI: I just noticed that
12 I received a copy of the PSE motion to strike that was
13 courtesy -- by courtesy, I received a courtesy copy this
14 morning -- and it came into my e-mail at 9:34. So I
15 could see if counsel first hasn't seen it yet.

16 And I just wanted to make sure that the record
17 had the benefit of that information. Thank you.

18 JUDGE HOWARD: Certainly. I mean, this is
19 all occurring within short order, so I understand that.

20 All right. For the moment, I'm going to
21 consider this particular issue as a motion to strike.
22 But, of course, I think that -- I have reviewed PSE's
23 motion to strike, and the Company is generally correct
24 that the moving task to seek leave of the Commission to
25 file reply and the parties -- all parties and everything

1 should certainly be aware of that. But I will consider
2 that for a few minutes here.

3 So to move on to some other questions I had for
4 CENSE, what specifically would be CENSE's position with
5 respect to the prudence of the Energize Eastside
6 project?

7 MR. ARAMBURU: We believe the project -- as
8 indicated in our motion to intervene and our reply to
9 PSE's objections, we would be questioning the need for
10 the project and its particular fashion, its response to
11 reliability, other such needs.

12 Perhaps, Mr. Examiner, your concern is that we
13 would attempt to bring in environmental and land use
14 issues into these proceedings. We have raised those
15 issues in other forums. But our emphasis here would be
16 on the prudence of the project for its inclusion and the
17 rate base.

18 JUDGE HOWARD: That leads very naturally
19 into the next question I had for you and my answer. But
20 I'm going to ask it anyway and be a little bit obtuse.

21 Does CENSE anticipate that its arguments will
22 broaden the scope of the issues before the Commission
23 beyond the prudence determination on Energize Eastside?

24 MR. ARAMBURU: No, we have no intention to
25 do that. We've supplied in our response to the PSE

1 objection some curriculum vitae of a sample of
2 witnesses. Those witnesses are focused on economic,
3 reliability, and need issues. They are not focused on
4 environmental issues.

5 I think the scope of Commission's
6 responsibilities here -- you engaged the public
7 interest. But we're not intending to spend much time,
8 if any, on the environmental issues.

9 JUDGE HOWARD: Has CENSE considered limiting
10 the scope of its participation to only the issue of the
11 prudence of the Energize Eastside project? Or would
12 CENSE consider addressing other issues in its testimony?

13 MR. ARAMBURU: We haven't made a final
14 decision on that. We just became aware of this matter a
15 couple of weeks ago, and we were involved in some other
16 proceedings. So we've not reached a final decision on
17 that matter. But we do intend to focus before the
18 Commission on the prudence issues.

19 JUDGE HOWARD: All right. And then my last
20 question I had for you before I give you a chance to
21 offer some brief comments, if you wish, would be does
22 CENSE maintain that it represents vulnerable or highly
23 impacted communities as defined by the Clean Energy
24 Transformation Act?

25 MR. ARAMBURU: I don't know -- I've not

1 looked into that matter at this point. We've indicated
2 our intention to file request for funding. We haven't
3 done that yet, so we've not gotten into those issues at
4 this point. We do represent a large number of persons
5 in the five eastern King County cities that are impacted
6 by these fines.

7 So I'm not prepared at this point to respond to
8 those matters. It may be that CENSE does not meet those
9 requirements, but that is under consideration. And we
10 will be filing our case certification request here based
11 upon -- if we're permitted to intervene, we will be
12 filing our materials on the case funding certification
13 by the deadline indicated in your prehearing argument.

14 JUDGE HOWARD: All right. So those are the
15 main questions I had to ask CENSE today.

16 Would you like to offer any general response to
17 PSE's objections to your petition?

18 MR. ARAMBURU: Your Honor, we have filed our
19 response with you which includes some appendices.

20 CENSE has been involved with the issue of this
21 Eastside transmission line for seven years. We have
22 consistently raised both land use and environmental
23 objections, but also importantly for Commission work, we
24 have raised the question of the need and reliability for
25 this project.

1 We have witnesses, three of which are
2 identified in our responses, that are prepared to
3 address those questions and whether or not the Energize
4 Eastside project is one that's necessary. We have cited
5 to previous Commission guidance to PSE concerning some
6 of the issues regarding Energize Eastside. We certainly
7 will be following up on some of those comments made for
8 the 2017 IRP. So we will be doing that as well.

9 So CENSE is well-positioned to provide useful
10 and appropriate information to address the question of
11 prudence as in these hearings. And I think the
12 Commission and the public would benefit by our
13 engagement in these proceedings.

14 So I have nothing further.

15 JUDGE HOWARD: All right. Thank you.

16 So I will turn to some other organizations now
17 for their responses. I turn first to PSE and
18 Mr. Steele.

19 MS. BALDWIN: I'm so sorry to interject
20 here, Judge Howard. This is Vicki Baldwin on behalf of
21 Walmart. I have another hearing in another jurisdiction
22 that is starting in two minutes.

23 We timely filed our intervention, and there
24 were no objections this morning. We understand there
25 are two proposed schedules circulating. We've seen both

1 of them, and we can make either of them work. So we
2 don't have a preference for either one.

3 And I was just hoping that I could be excused
4 for the rest of prehearing conference so I could attend
5 this other hearing.

6 JUDGE HOWARD: That's fair. I was intending
7 to grant Walmart's petition. You may consider it
8 granted, and you will see that in the prehearing
9 conference order.

10 MS. BALDWIN: Thank you so much.

11 JUDGE HOWARD: And you may be -- yeah, you
12 don't have to attend the rest of this.

13 MS. BALDWIN: Okay. Thank you very much,
14 and I'm very sorry about that.

15 JUDGE HOWARD: No, it's perfectly fine.
16 Thank you.

17 All right. So, Mr. Steele, would you like to
18 respond?

19 MR. STEELE: Yes, thank you, your Honor.

20 I first wanted to briefly address
21 Mr. Aramburu's comment a minute ago where he represented
22 that CENSE did not intend to broaden the issues in this
23 case, and I think that the reply brief really calls it
24 into question. The reply brief expressly talks about
25 permitting issues, and since -- his concern is about

1 permitting issues.

2 So even in the reply, the belated reply
3 following Friday, they have already demonstrated that
4 they're broadening the issues in this case and
5 referencing permitting issues, and I think that should
6 be a real concern of the Commission.

7 I wanted to turn briefly to the points we made
8 in our response brief and just highlight a few
9 additional concerns and comments.

10 First, as we noted previously, CENSE does not
11 meet the substantial interest standard for intervention.
12 As residential and small business customers, their
13 interests are already represented by Public Counsel by
14 statute. Their interest as customers are no different
15 than any other residential or small business customer.

16 All customers are impacted by rate changes, and
17 thousands of customers could be impacted by one of PSE's
18 many ongoing construction projects going on across its
19 service territory. While CENSE members may feel
20 strongly about this project, their interests are no
21 different from other customers.

22 The Commission recently confirmed that Public
23 Counsel adequately represents the interests of
24 residential and small business customers in its 2019
25 order in Dockets UE-190334, UG-190335, where it denied

1 on interlocutory review a petition for intervention by
2 an organization remarkably similar to CENSE. In sum,
3 CENSE does not have a substantial interest in this
4 proceeding that is not already adequately represented by
5 the other parties.

6 Secondly, nor would CENSE's intervention
7 benefit the public interest. CENSE was formed in 2014
8 by a group of property owners in the Newcastle area.
9 They formed CENSE for the express purpose of opposing
10 Energize Eastside. Since that time, CENSE has
11 unsuccessfully challenged the project in nearly every
12 possible legal forum including FERC proceedings, land
13 use proceedings before King County Superior Court, and
14 conditional use permit proceedings.

15 In those cases, CENSE frequently relies on
16 recycled arguments and theories that have been rejected
17 by virtually every forum and called into question the
18 reliability of their so-called experts.

19 For example, from a recent order from the City
20 of Bellevue Hearing Examiner regarding CENSE's challenge
21 to PSE's conditional use permit -- which we attached
22 portions to our motion to strike -- found that arguments
23 in evidence presented by Mr. Robert Nicola, who since
24 referenced in his petition, quote, failed to account for
25 several considerations required by industry practice in

1 applicable federal electrical system planning mandates
2 which would lead to, quote, erroneous results.

3 The Examiner also rejected arguments made by
4 Mr. Lockhart -- who since also referenced and may
5 participate in this case -- which he had previously made
6 to FERC, which FERC also rejected.

7 Since his arguments and so-called experts have
8 been repeatedly discredited, it's found again by the
9 Bellevue Hearing Examiner, who said, quote, CENSE's
10 representatives voiced concerns, but did not offer
11 sufficient, relevant, authoritative, or credible
12 evidence. PSE firmly established that several key
13 aspects of opposition reports, like CENSE's, were
14 defective and simply not credible because they failed to
15 follow industry practice, close quote.

16 Having now been involved in numerous
17 proceedings and seeing firsthand CENSE's constant
18 audience shopping, PSE is justifiably concerned that
19 CENSE intends to use this case as yet another forum to
20 advance its positions and push discredited theories and
21 opinions from individuals that are not actual experts.
22 It is not in the public interest to provide CENSE yet
23 another forum to litigate Energize Eastside, but would
24 abuse the general rate case process.

25 Moreover, there's really a question as to

1 whether CENSE's interests benefit the public at all.
2 CENSE is primarily comprised of private homeowners who
3 are firmly entrenched and fundamentally opposed to the
4 project and would not be providing an objective analysis
5 as Public Counsel or Commission staff would. CENSE
6 members simply don't want their private interest to be
7 affected by the project. In other words, CENSE is
8 advancing private, not objectively public, interest
9 which does not meet the public interest standard.

10 Third, RCW 34.05.443 allows intervention only
11 if, quote, the intervention sought is in the interest of
12 justice. It will not impair the orderly and prompt
13 conduct of the proceeding. Not only would CENSE disrupt
14 the proceeding by using it as a collateral forum to
15 relitigate past issues, but CENSE's reply brief
16 demonstrates that CENSE already has not met that
17 standard.

18 First, CENSE failed to follow the Commission's
19 procedural rules, filing a reply when no reply is
20 authorized. Second, CENSE's reply demonstrates a
21 fundamental misunderstanding of the Commission's role in
22 large projects such as this, and also demonstrates that
23 it is willing to play fast and loose with the facts.

24 For example, CENSE's suggestion in its reply
25 that PSE is improperly proceeding with Energize Eastside

1 construction before a prudency determination reflects a
2 fundamental misunderstanding of ratemaking, and it's
3 just wrong. Prudency determinations are typically made
4 after a project or portions of a project are completed,
5 not before.

6 CENSE seems to be looking at the Commission for
7 permitting denials to stop the project, rather than
8 recognizing the Commission's role for determining
9 appropriate cost recovery. CENSE has had ample
10 opportunities to address its concerns from a permitting
11 standpoint and can continue to pursue those interests in
12 different forums.

13 In its reply, CENSE also misrepresents facts
14 about permitting, suggesting PSE has not obtained
15 permits, when in actuality, PSE has obtained dozens of
16 permits for the project. CENSE also misrepresented
17 facts about the need for the project quoting information
18 about winter peak need, but failed to mention that PSE
19 has already suppressed summer peak need.

20 CENSE also questions in its reply without
21 evidence that Public Counsel does not have the resources
22 to adequately address Energize Eastside prudency, and
23 then states that it, on the other hand, has the
24 resources to comprehensively address the prudency
25 questions.

1 But in that same sentence included a footnote
2 stating that CENSE may require additional funding to
3 fully present the issues it intends to pursue in the
4 case.

5 Which is it? Notably, Public Counsel regularly
6 addresses the prudence of major projects in general rate
7 cases.

8 Lastly, Your Honor, there is already a process
9 in place for customers to participate in rate cases. As
10 the Commission stated in the docket I previously quoted,
11 which is an Avista order, the written and oral comment
12 process, quote, provide individual customers or groups
13 of customers like CENSE ample opportunity to share their
14 concerns and general rate proceedings.

15 As CENSE points out, it has in the past
16 participated in Commission proceedings by providing
17 comments. Like all residential and small business
18 customers, if CENSE members wish to participate in this
19 proceeding, they're free to provide both written and
20 oral comment. They're also free to coordinate with
21 Public Counsel.

22 Finally, while as I note today, PSE strongly
23 opposes CENSE's intervention. If the Commission decides
24 otherwise, PSE submits that CENSE's participation should
25 be limited as follows: First, it should be narrowly

1 tailored to only address the prudency issues surrounding
2 Energize Eastside at issue in this case. CENSE should
3 not be permitted to use prior arguments, opinions, or
4 theories that have already been rejected, dismissed, or
5 discredited in other forums. And for efficiency, it
6 should be required to coordinate with Public Counsel so
7 as to avoid duplicating efforts in this case.

8 And, Your Honor, I'm happy to answer any
9 follow-up questions you might have about those points.

10 JUDGE HOWARD: Thank you, Mr. Steele.

11 Mr. Coleman, I believe you said that AWEC
12 joined in this objection. Would you like to comment?

13 MR. COLEMAN: Your Honor, I wouldn't have
14 much more to say other than what the Company said. I
15 guess I would just reiterate two specific points.

16 One, we are of the opinion that Public Counsel
17 certainly has the strength and competency to represent
18 the residential and small commercial interests of the
19 members of CENSE.

20 And two, with respect to the scope of the
21 hearing, you know, just in the discussion today, I guess
22 a concern has been highlighted for us and for me
23 individually of the nuance between -- and I recognize it
24 as a nuanced distinction, but I think it exists --
25 between the questioning of the need of the project and

1 the prudence of the costs that are being asked to be
2 recovered. I think that there is a distinction between
3 those two issues, and one I think is certainly within
4 the scope and one is not.

5 And just the discussion today I think has shone
6 some light on our concern with respect to whether or not
7 the issue of the need versus the prudence of the cost
8 really is the proper issue to be discussed before the
9 Commission.

10 And with that, I have nothing further to add.
11 I appreciate your time.

12 JUDGE HOWARD: Thank you.

13 Would Public Counsel like to comment on this
14 particular petition?

15 MS. GAFKEN: Yes, thank you, Judge Howard.

16 This is the first time that Puget has sought a
17 prudence determination and cost recovery for the
18 Energize Eastside transmission project. So the issue is
19 now ripe for participation by those interested in the
20 project.

21 The question for the Commission is whether
22 CENSE meets the requirements for intervention and
23 whether, in the Commission's view, CENSE's participation
24 would be valuable.

25 CENSE does make some unsubstantiated

1 representations about Public Counsel's resources and
2 potential focus. Energize Eastside is among the issues
3 Public Counsel will address in our evaluation of this
4 case. I'm not implying that we would have the same
5 focus or conclusion, but I do want the record to be
6 clear that Public Counsel has not discussed our strategy
7 or witness lineup with CENSE or any other party.

8 CENSE's interest as residential and small
9 commercial customers are within those that Public
10 Counsel represents before the Commission. Public
11 Counsel does not represent individuals or specific
12 groups of individuals, but customers as a whole. Public
13 Counsel does not oppose the request by CENSE to
14 intervene.

15 If the Commission determines that their
16 participation is valuable, we have no objection. Thank
17 you.

18 JUDGE HOWARD: Would CENSE like to offer a
19 brief response to any of those comments from the other
20 parties?

21 MR. ARAMBURU: Yes, I would.

22 There was an initial objection by counsel for
23 PSE that we weren't going to get into permitting issues,
24 but then he promptly launches onto citations from
25 permitting proceedings and other such matters, and urges

1 the Commission to not allow questions that have been
2 previously decided in permitting proceedings.

3 As you probably know, Mr. Examiner, permitting
4 proceedings are land use proceedings. They have wholly
5 different sets of criteria than the Commission does.
6 The application for inclusion of the Energize Eastside
7 project into the transmission base is a large one of a
8 large component. There are no other identified parties
9 in these proceedings other than Public Counsel and
10 perhaps Staff counsel that are prepared to address these
11 particularly in the detail that CENSE is prepared to
12 discuss.

13 We will be addressing the issues that are
14 before the Commission regarding prudence. We represent
15 a large number of persons on the Eastside, and they may
16 have land use interest and environmental interest in
17 this project. It does not exclude them from coming
18 before the Commission to make objections and provide
19 testimony and exhibits that relate to the rate issues.

20 All of the CENSE members are ratepayers and
21 will have to pay the rates if the Energize Eastside is
22 included in the rate base. So there aren't other people
23 prepared to address this very important and substantive
24 issue in the manner that CENSE is. We stand alone in
25 that regard.

1 I apologize to Public Counsel that I may have
2 overstated the situation, but I think we have the
3 resources to proceed to address the prudence and public
4 interest issues, and so the petition for intervention
5 should be granted.

6 Thank you, Mr. Examiner, unless you have
7 further questions.

8 JUDGE HOWARD: Well, one question I would
9 have would be, what is your response to PSE's
10 in-the-alternative recommendation that CENSE coordinates
11 the presentation of its case with Public Counsel?

12 MR. ARAMBURU: Well, we don't have any
13 objection to that at all. And we don't know, at these
14 early stages of proceedings, just how much resources
15 Public Counsel intends to put into the Energize Eastside
16 project as opposed to the multiple other issues and the
17 multiple other matters that are being raised by various
18 parties.

19 I will note that you've granted interventions
20 to other parties with minimal indication of what the
21 public interest they represent is. And I think we are
22 being much more defined about our interest and the
23 matters that we intend to address and particularly the
24 disclosure of our witnesses.

25 JUDGE HOWARD: All right. Thank you.

1 I think I have enough information to come to a
2 decision on this particular petition. This is just my
3 brief verbal ruling that will be explained in more
4 detail in the prehearing conference order.

5 MS. GAFKEN: Judge Howard, may I intervene
6 for just a moment.

7 I wanted to address the idea of coordinating
8 with Public Counsel, and I wanted to ensure that that
9 wasn't an additional requirement beyond what we normally
10 do, right? So we often communicate with parties in a
11 proceeding that have similar interests or are addressing
12 similar issues, but I don't know that we necessarily
13 plan our case out based on what other parties are doing.

14 So I just wanted to ensure that there wasn't an
15 additional restriction there that was being
16 contemplated.

17 JUDGE HOWARD: Well, it is a condition that
18 the Commission has used in the past in some of these
19 cases with multiple petitions for intervention. And
20 frankly, it's not the most precise condition. I mean --
21 but it does get to the idea of -- to some degree
22 coordinating the presentation of evidence. I mean, that
23 does involve careful judgment calls of the parties about
24 when they want to do that.

25 I mean, considering the fact that it's a

1 relatively broad instruction, would Public Counsel think
2 that's workable?

3 MS. GAFKEN: I think so. If it's the sort
4 of condition that we've seen in prior cases, that's
5 fine. That has been workable. Thank you.

6 JUDGE HOWARD: Okay.

7 MR. STEELE: Your Honor, if I may just very
8 briefly.

9 JUDGE HOWARD: Yes.

10 MR. STEELE: I think this discussion
11 highlights sort of why the Commission has a process for
12 customers and groups of customers that want to comment
13 in a rate case -- to do it through the written and oral
14 comment process. They have many opportunities to submit
15 reports if they want. They can provide information to
16 Public Counsel.

17 But that's why there's that separation between
18 Public Counsel's role to represent their interest, and
19 then if other customers or groups have comments to add
20 to that, they can certainly do that through the
21 mechanisms the Commission has provided, and CENSE has
22 used in the past, and parties like CENSE have used in
23 the past.

24 So I think that's why it's coordinated like
25 that. And obviously they can certainly provide

1 information to Public Counsel as well. But I think the
2 Company does have real concern about duplication here
3 and efficiency in the proceeding and what support -- you
4 know, an order where they're allowed to provide their
5 written and oral comments, but let Public Counsel
6 address the issues in the case as a party.

7 JUDGE HOWARD: Thank you for your comments.

8 I do think I have enough information and
9 argument at this point to issue my brief verbal ruling
10 that I'll explain more in the order.

11 So I will be granting CENSE's petition for
12 intervention subject to conditions on that
13 organization's participation in the case. I will also
14 grant PSE's motion to strike CENSE's reply. So as I
15 explain -- we'll explain more in the prehearing
16 conference order.

17 CENSE's participation will be limited to the
18 transmission issues, specifically the Energize Eastside
19 project. If CENSE, later in the case, wishes to address
20 other issues, it can raise that in the form of a motion
21 to amend the prehearing conference order or something
22 along those lines and seek leave. CENSE will also be
23 instructed to coordinate the presentation of its case
24 with Public Counsel.

25 I also want to give CENSE and all the other

1 parties a clear heads-up that the Commission is focused
2 on the prudence of these investments. This is a
3 specific legal issue. The Commission is not a
4 permitting agency, a citing agency, or a safety
5 regulator in this context.

6 Furthermore, CENSE and the other parties must
7 be sure to adhere to any Commission deadlines and rules.
8 I hope that my ruling on the motion to strike gives an
9 example of some -- in a sense, the astringency that
10 we're looking for in following these rules to make this
11 proceeding workable for all the parties and
12 stakeholders.

13 This is not a regular civil trial that can be
14 extended indefinitely. The Commission has statutory
15 authority to suspend the operation of a tariff for a
16 certain number of months. So a discovery or a dispute
17 should be brought to me as a presiding ALJ and resolved.

18 But it should be clear to all the parties that
19 we are on a specific schedule that cannot be extended
20 indefinitely. Contentious behavior or disregard of
21 Commission rules may lead to the Commission dismissing
22 an intervenor from the case.

23 So that would address CENSE's petition for
24 intervention granted subject to conditions.

25 So I'd like to move next to the Puyallup Tribe.

1 And I'd like to follow roughly the same order, although
2 I believe that AWEC does not join in this particular
3 objection. I want to ask a couple of questions first of
4 Puyallup Tribe's counsel, give Puyallup Tribe's counsel
5 an opportunity to respond generally to the objections,
6 and then we will turn to PSE and ask for input from
7 Public Counsel.

8 So I do have a couple of questions for Puyallup
9 Tribe. So as Puyallup Tribe's attorneys may be aware,
10 we have a recently enacted statute that sets up a new
11 intervenor funding program before the Commission, and
12 this prioritizes vulnerable and highly impacted
13 communities. And the statute doesn't apply in these
14 terms, but they are defined in the Clean Energy
15 Transformation Act.

16 Are you aware of the definitions of these
17 terms? And would you submit that the Puyallup Tribe
18 falls under one of these categories or both?

19 MS. ANDERSON: We are aware that there is a
20 funding mechanism available. We have not done a full
21 analysis as to whether or not it applies to the tribe.
22 We would seek to do that as soon as possible. But I
23 would say in some instances, our intervention isn't
24 necessarily hinging on the availability of those types
25 of funds because of the issues that are involved.

1 So we will make a full evaluation. It would be
2 irresponsible of me to say we have an answer one way or
3 another because that's very new to us. So we will
4 evaluate that and get back to the Commission as soon as
5 possible if that is appropriate.

6 JUDGE HOWARD: Okay. Well, I would ask a
7 follow-up, then.

8 The Clean Energy Transformation Act -- the
9 definition of a highly impacted community in the Act
10 does incorporate the definition of Indian country found
11 in Federal Law 18 USC 1151.

12 Does the Puyallup Tribe fall within that
13 definition and the sum of its land?

14 MS. ANDERSON: Yes, absolutely, they do.

15 JUDGE HOWARD: Okay. So I think what I
16 might do is -- I might just offer you the opportunity to
17 respond in the way you see fit to PSE's objections to
18 the petition to intervene, and then I may have some
19 follow-up questions.

20 But why don't you go ahead and respond if you
21 like.

22 MS. ANDERSON: Okay, thank you.

23 I'll start with basically whether or not the
24 Tribe has either substantial interest or their
25 participation would be in the public's interest in this

1 proceeding. And I would submit that both situations
2 exist on behalf of the Tribe.

3 First, the Tribe has a substantial interest,
4 and I will say that is not going to be adequately
5 represented, with all due respect to Ms. Gafken, by
6 Public Counsel because the Puyallup Tribe is itself a
7 sovereign nation. We are not a member of the Washington
8 public. We are not a small commercial business or
9 residential customer. We are a sovereign nation
10 somewhat akin to maybe the group of federal agencies
11 that have also filed a petition to intervene.

12 And we have interest in this case because as a
13 sovereign nation, we are a ratepayer to Puget Sound
14 Energy, but we also have citizens and members who pay
15 rates -- who pay utility bills to Puget Sound Energy,
16 some of whom from time to time also utilize our
17 government's assistance programs to pay for those if
18 they're in dire financial need.

19 So we are a ratepayer. We have citizens who
20 are ratepayers who are not represented by the general
21 public interest. And we provide assistance to our
22 member citizens as a service provider for financial
23 hardship.

24 So in that regard, we have a substantial
25 interest in how the rates will be impacted in

1 particular, and we are limiting our participation to the
2 Tacoma LNG project and its prudence in being included in
3 the rate base.

4 PSE has raised objections, of course, as to our
5 appeals of environmental permitting in the past. Yes,
6 those have occurred. We are fully aware that this
7 proceeding is only limited to whether or not the Tacoma
8 LNG project is being appropriately factored into the
9 rate base for natural gas customers.

10 And to that degree, we hold a significant
11 amount of information because we have been evaluating
12 this project through every step of its development, from
13 the earliest permits and environmental reviews, all the
14 way up to its most recent permits. And we have been
15 doing this for admittedly seven years.

16 During that process, however, we have a very
17 deep understanding as to how the project has evolved
18 from one that was deemed to be a substantial peak
19 shaving facility to one now to meet its environmental
20 permitting requirements, which admittedly are not at
21 issue here, but play a role as to how much of that
22 facility will actually go to peak shaving now that it is
23 through several rounds of different environmental
24 permits.

25 And that facility design has changed. Its

1 capacity allocations have changed from peak shaving to
2 marine shipping and terminal fuels and other sources of
3 fuels, that when we look at how it might be included in
4 the natural gas rate base, it is going to differ from
5 what was originally proposed for this project
6 significantly.

7 So our interest is how much of that rate
8 should -- is appropriate to go to the ratepayers for the
9 actual services that that facility will provide to the
10 ratepayers, and whether the expenses in constructing
11 that were prudent in order to be included in that rate
12 base. Though we have that substantial interest
13 individually, but because of the depth of our knowledge,
14 we also believe it's in the public interest to allow us
15 to present the evidence as we have seen it evolve from
16 2015, 2016 until today with regard to the prudence of
17 that facility.

18 So that goes to the two prongs of interest that
19 PSE was objecting, that we, one, did not have a
20 substantial interest as an entity, but also that we
21 weren't in the public interest. And we believe that
22 they are wrong.

23 Puget Sound Energy has also made some other
24 allegations in its reply, and I want to just be clear
25 that, again, the Tribe is fully aware of these

1 proceedings and what the scope of these proceedings are.
2 We are not looking to relitigate any environmental
3 permitting dispute. At this time, we are simply looking
4 at how this facility -- and whether or not it's prudent
5 to include it in the rate base and to what degree.

6 They also have made allegations that we would
7 broaden the scope of this proceeding. We are not
8 looking to do that outside of the prudence
9 determination. We do not anticipate a heavy amount of
10 discovery, if any discovery.

11 PSE has raised a question as to whether or not
12 we have abused discovery in the past. Should that be
13 relevant to your decision today, I would be happy to go
14 through the disputes that we have had and discuss the
15 orders that have come down, actually in the Tribe's
16 favor, just to allow that discovery to occur because
17 every step of the way we have encountered fights
18 regarding discovery.

19 But I'm not sure that that's relevant here,
20 only because we really don't anticipate a heavy amount
21 of discovery. If there were a discovery dispute as to
22 scope, I would assume that that issue could be solved
23 expeditiously by yourself as part of the ALJ process.
24 But I don't really anticipate that to be the case.

25 And I think -- you know, I also -- with regard

1 to confidentiality, they have made allegations that we
2 would use information obtained in this proceeding to go
3 back and address things outside of this proceeding, and
4 they seek to limit our ability on any sort of
5 information that is obtained.

6 We understand, and we've participated in one
7 other type of a proceeding where we've had to sign
8 confidentiality agreements in WUTC proceedings. We
9 understand that process. We are ethical attorneys who
10 will live by the confidentiality agreements that we
11 sign.

12 To the extent that any nonconfidential
13 information is in this proceeding, that is public
14 information. To limit the Tribe and to treat the Tribe
15 differently than any other party to this proceeding just
16 seems unnecessary, and we would ask that we not be given
17 special treatment to limit our use of information that
18 would be generally available to the public anyway
19 because it's not confidential.

20 But I want to assure you that we understand the
21 confidential nature of the proceedings to the extent
22 that things are under the confidentiality of order, and
23 we fully intend to abide by that as attorneys.

24 JUDGE HOWARD: Thank you. And just a brief
25 follow-up question.

1 In your comments today, you referred to the
2 Tribe limiting its participation to the Tacoma LNG
3 plant. Does the tribe also want to address low-income
4 issues because those were briefly referred to in your
5 petition?

6 MS. ANDERSON: To the degree that it's part
7 of the Tacoma LNG rate base and issues, that would be
8 the extent. We really aren't used to proceeding in
9 these proceedings in a more broader spectrum. If other
10 issues were to come up -- I think in the last -- also
11 consideration, the last petition -- if something became
12 evident that was heavily impacting tribal members, as
13 attorneys inside the Tribe's law office, we would need
14 to raise that with the Tribal Council.

15 But I would expect that and hope that maybe we
16 could be given the same leave to seek to amend a
17 prehearing order if you were going to limit us here to
18 the scope of the participation of the Tacoma LNG.

19 I just don't want to commit -- as their
20 attorney, it's my obligation to bring an issue -- if I
21 were to see it -- that might impact tribal members so
22 heavily that I should bring it to them. I would need to
23 bring it to them to address that.

24 JUDGE HOWARD: Okay. So I would look to PSE
25 if it would like to. I, of course, have reviewed PSE's

1 written objections.

2 But, Mr. Steele, would you like to give any
3 brief comments in response to what we've heard today?

4 MR. STEELE: Thank you, Your Honor.

5 Just very briefly, as you noted, we covered
6 both the interest prongs in our opposition and won't
7 rehash them here. We do have some concerns about really
8 how different the Tribe is from any other residential or
9 effectively small business customer with the amount of
10 gas and electricity that they purchase from PSE. And we
11 do believe that those interests are already going to be
12 represented in this case if they have concerns about
13 those types of issues.

14 Our primary concern with the Tribe, and what we
15 explain in our opposition, is just disruption of the
16 process. And PSE's experience for several years in
17 litigating issues surrounding LNG with the Tribe is
18 that, for years, the Tribe has done everything it can
19 from a litigation perspective to try and stop the
20 project, including repeated appeals and extensive
21 discovery, and while these actions have delayed the
22 projects, the project has not been successful.

23 And so I hear counsel's representation that
24 they don't intend to do that in this case. PSE is just
25 concerned from past experience that that's not been

1 consistent with their conduct in other cases. And so
2 PSE would be concerned with similar behavior in using
3 this case as, again, a collateral forum to relitigate
4 past issues.

5 So I think that would be PSE's primary concern
6 with the Tribe's intervention. And so, like CENSE, if
7 they were granted intervention, we would ask that they
8 be limited to -- narrowly tailored to only address the
9 issues not already addressed by another party. They
10 should not be permitted to use prior arguments or
11 opinions or theories that have already been rejected in
12 other forums, and that they also be required to
13 coordinate with other parties to avoid duplicating
14 efforts amongst parties.

15 And so if the Commission decides to grant
16 intervention, we would ask that those types of
17 limitations be in place so to ensure this proceeding is
18 not used to relitigate past issues. Thank you, your
19 Honor.

20 JUDGE HOWARD: Thank you. A brief question
21 for you, Mr. Steele.

22 I did see in PSE's written objections, in part
23 of the alternative relief requested, that there's
24 recommendation the Commission instruct the Tribe that it
25 cannot take information gained in this proceeding and

1 use it for purposes outside of the current proceeding.

2 And I did hear Ms. Anderson's comments today
3 making the distinction between what's covered by the
4 confidentiality agreement, the protective order, and
5 what is not confidential. So I'm reading PSE's
6 recommendation as being broader and being a broader
7 instruction.

8 So are you aware of cases where the Commission
9 has done that? Or are you aware of a provision of law
10 that would give us that type of authority?

11 MR. STEELE: I think our concern there was
12 just simply their motives for intervening in the case.
13 And, I agree, public information that's filed in the
14 case, it's public. It's out there in the Commission
15 website and anyone can download it. We understand that.

16 I think our concern is, again, just more
17 focused on why are they intervening and what's their
18 motives given sort of past experience. And, certainly,
19 information that's confidential or sensitive should
20 obviously not be shared outside the construct of the
21 case.

22 So I think that was our only point there, is
23 just our concern about motives and about why they're
24 intervening.

25 JUDGE HOWARD: All right. Thank you.

1 Would Public Counsel like to comment at all on
2 this petition?

3 MS. GAFKEN: Yes, I would. Thank you.

4 One of the issues in this case is whether the
5 LNG project is prudent to whether it should be included
6 in customer rates, and the Tribe is also a customer, a
7 customer who has done a deep dive into this facility.

8 I would like to address the argument that there
9 is no nexus between evidence regarding the LNG facility
10 and the Tribe's status as a customer and its members who
11 qualify for need-based assistance. Rates must be fair,
12 just, and reasonable, and to meet the standard, the LNG
13 facility must be prudent to be included in rate.

14 The Tribe has a vested interest as a customer
15 and in ensuring that need-based members not draw
16 increased assistance due to inclusion of a plant that
17 may not be prudent, and that is ultimately the issue in
18 this case. Prudency has not been determined yet.

19 Because of the Tribe's interest in the LNG
20 facility, it has relevant information. The point is not
21 to relitigate the issues that have been litigated, but
22 to ensure the Commission has a full view of the facts as
23 they impact the prudence question.

24 I also want to address the argument regarding
25 whether the Tribe represents an interest that is not

1 already represented. Public Counsel represents Puget's
2 residential and small business customers. We are a
3 statutory party to these proceedings. As I mentioned
4 earlier, we do not represent individuals or specific
5 groups of individuals, but customers as a whole. Our
6 representation would include, I believe, tribal members
7 who are also Puget customers.

8 Even so, even though we don't represent
9 specific individuals or groups of individuals, certain
10 interests do sometimes play more prominently in our
11 advocacy. Low income is a prime example of that. While
12 we are not a low-income advocate specifically, we do
13 engage in low-income issues. It's a very important
14 space, and one that we have a lot to contribute to.

15 But despite that, the Commission has long
16 recognized, and appropriately so, that dedicated
17 low-income advocates like The Energy Project are
18 valuable participants in this proceeding. Here, the
19 Tribe presents a unique voice among ratepayers that is
20 valuable. The Tribe is exactly the type of new
21 participant that the recently approved participant
22 funding is designed to draw into Commission proceeding.

23 Under CETA and the new participation funding
24 statute, the Tribe fall squarely within the definition
25 of a highly impacted community, see RCW 19.405.020

1 Subsection 23 and RCW 80.28.430.

2 This general rate case represents the first
3 time that Puget has sought a prudence determination and
4 cost recovery for the complete LNG facility, though the
5 issue has never been ripe for the Tribe's participation.
6 I do acknowledge that one small portion having to do
7 with a pipe was prevented in a prior case related to --
8 well, it was a prior general rate case. The pipe was
9 related to LNG. But this is the first time we're
10 looking at full prudence for the facility.

11 Tribal members have participated in numerous
12 public comment hearings to date to address LNG, so not
13 only does the Tribe have a long-standing interest in the
14 facility, they also possess the unique voice that is
15 lacking among the other parties.

16 The Commission now has the opportunity to hear
17 from the Tribe, not only through public comment
18 hearings, but directly as a party. Public Counsel
19 believes that the Tribe will present relevant
20 information to the Commission regarding the LNG facility
21 and that it has a substantial interest in the case.

22 Thus, Public Counsel supports the Puyallup
23 Tribe's request for intervention. Thank you.

24 JUDGE HOWARD: All right. Thank you.

25 I think I have enough information to give my

1 brief verbal ruling, and I will give this in more detail
2 in the prehearing conference order.

3 So I will grant Puyallup Tribe's petition for
4 intervention subject to conditions. As I'll explain
5 more in the prehearing conference order, the Tribe's
6 participation will be limited to the Tacoma LNG or
7 Liquid Natural Gas plant and low-income issues. The
8 Tribe will coordinate with The Energy Project on the
9 presentation of its case with regards to low-income
10 issues specifically. The Tribe's discovery will be
11 limited to these same two issues.

12 The Tribe will be bound by the protective
13 order, Order 02 in this docket. If the Tribe wishes to
14 expand the number of issues, it is addressing this
15 proceeding and may petition to amend this prehearing
16 conference order that I will be issuing.

17 The Tribe and all the other parties and
18 intervenors must bear in mind that the Commission is,
19 again, not a permitting agency and not charged with
20 regulating safety in this particular context. We are
21 only focused on the prudence of the Tacoma LNG expenses,
22 and a portion of that should be allocated to ratepayers.

23 I would also echo what I said earlier when
24 ruling on CENSE's petition. This proceeding is on a
25 very specific schedule. We have limited statutory

1 authority to have a calendar for this proceeding and
2 extend the effective date of tariffs.

3 And I am also extremely mindful of the fact
4 that we have a large number of parties in this
5 proceeding. So failure to follow Commission rules or
6 unreasonable behavior on the part of any intervenor may
7 result in that intervenor being dismissed from the case.

8 All right. So we have addressed the disputed
9 petitions to intervene. I'd like to just check in
10 with -- on a couple of the other issues that were raised
11 earlier in this call. Before I do that, I want to check
12 in with the attorneys for King County.

13 So I am aware of King County's comments in
14 PSE's power costs only rate case docket regarding the
15 calculation of the Green Direct Energy Credit. I'm
16 curious, does the County intend to address any other
17 issues than the Green Direct Program?

18 MR. MAYER: Thank you, Your Honor.

19 No, the County plans to limit its intervention
20 solely to the Green Direct, and in particular, the Green
21 Direct Energy Charge Credit.

22 JUDGE HOWARD: Thank you.

23 One thing that we've included in prior
24 prehearing conference orders in these cases would be
25 having the parties identify the topic of discovery

1 request at the top of them so it helps parties identify
2 what's relevant to them.

3 Would you support that requirement?

4 MR. MAYER: Yes, Your Honor.

5 You mean in the sense of saying that the
6 County's sole interest in this proceeding is the Green
7 Direct Energy Charge as well as the discovery would be
8 limited to that?

9 JUDGE HOWARD: I'm not necessarily -- I'm
10 going to take the issue of whether we want to place
11 conditions on King County's intervention under
12 consideration. Because there aren't any objections, and
13 you've indicated that King County is focused on the
14 Green Direct Credit and doesn't have any intentions to
15 expand beyond that, I may not want to go into the issue
16 of placing any conditions on the County at this time.

17 But I am trying to think of -- in King County's
18 comments in that earlier docket, there was a concern
19 about needing to intervene and the unfamiliarity with
20 these proceedings when the County was really focused
21 with this one particular issue. So I was wondering --
22 that's why I was wondering if the County would support
23 that sort of requirement for data request just to make
24 it easier for parties to identify.

25 MR. MAYER: Yes, Your Honor, the County will

1 be in support of that.

2 JUDGE HOWARD: Thank you.

3 And the next issue we would have would be --
4 Mr. Steele, I believe you raised a concern about the
5 scope of Sierra Club's participation.

6 MR. STEELE: Yes, Your Honor.

7 JUDGE HOWARD: Please go ahead.

8 MR. STEELE: Thank you, Your Honor.

9 As I noted just briefly, previously, PSE does
10 not oppose Sierra Club's intervention but is concerned
11 based on Sierra Club's petition that Sierra Club may
12 intend to expand the scope of this case, in which case
13 Sierra Club's intervention -- I just want to highlight a
14 few portions of their petition that concern the company.

15 Firstly, in its petition, Sierra Club notes
16 that it is, quote, an environmental and conservation
17 organization dedicated to the protection of public
18 health and the environment, but it appears to seek to
19 address issues that are beyond that.

20 And, for example, in paragraph six, Sierra Club
21 states that, quote, Sierra Club seeks to intervene in
22 this proceeding to test PSE's three-year rate plans,
23 which would significantly increase both electric and gas
24 base rates for all customers. Sierra Club will evaluate
25 whether such large increases are in the best interest of

1 ratepayers and whether more reliable, cost-effective,
2 and equitable alternatives are available to PSE.

3 Based on our reading of their petition, they
4 have not provided any basis nor do they have the
5 expertise to address such a broad issue, ratemaking
6 generally, and there are other parties -- many other
7 parties that are already addressing and playing that
8 role in the case.

9 Secondly, Sierra Club also appears to broaden
10 the issues in the case. They state that, quote, they'll
11 evaluate PSE's compliance with Washington's Clean Energy
12 and Transformation Act and Senate Bill 5295 because
13 continued gas expansion runs a real risk of PSE not
14 meeting Washington's ambitious climate goals and
15 stranding its customers without loaded carbon-intensive
16 resources. That's also in paragraph six.

17 Sierra Club appears to be conflating a few
18 issues there. Neither of these laws are relevant to the
19 discussion of gas expansion or gas infrastructure. CETA
20 specifically applies only to electric generation and the
21 sources of that electricity. CETA is silent on the use
22 of natural gas for purposes other than electric
23 generation.

24 And so PSE is concerned that Sierra Club
25 intends to use this proceeding to address policy issues

1 tied to gas infrastructure generally, and PSE would be
2 concerned about that expansion.

3 In paragraph seven of their petition, they also
4 talk about wanting to advance various campaigns and
5 initiatives that they believe promote Sierra Club's
6 interests, and we would just emphasize that this
7 proceeding is not an open platform for Sierra Club to
8 advance issues that are beyond those issues that are
9 before the Commission in this case.

10 In past interventions in PSE cases, Sierra
11 Club's role and scope has been limited to issues
12 specifically involving the environment and issues that
13 are actually before the Commission in the case. And we
14 believe that Sierra Club's intervention should be
15 similarly limited, and PSE respectfully requests that
16 the Commission do so.

17 We would also request that Sierra Club work
18 with other organizations to avoid duplication of
19 efforts. Specifically, there appears to be overlapping
20 interests between the Northwest Energy Coalition and
21 Sierra Club with respect to environmental and
22 conservation issues, and we'd ask that those
23 organizations in particular be required to coordinate
24 their reference to avoid duplication. Thank you.

25 JUDGE HOWARD: Would Sierra Club like to

1 respond?

2 MS. SMITH: Thank you, Your Honor.

3 Sierra Club is undoubtedly an environmental
4 organization, but we don't participate as an
5 environmental organization in the numerous rate cases
6 we've litigated throughout the country and even before
7 the UTC. We are very interested in the significant rate
8 increases as they bear on our 25,000 members who are
9 also Puget ratepayers.

10 And, you know, this is -- this rate case is
11 moving pretty quickly so far. We just filed our
12 interventions. I've had a short amount of time to
13 review the applications. But we do intend to hire
14 experts to look at the gas distribution planning and
15 also demand forecasting.

16 I probably should have used the word "were"
17 instead of "are" when I said we are interested to see
18 that -- whether or not there were cost-effective
19 alternatives to the decisions PSE made at the time, and
20 that is the way you prove prudence, right? If there
21 were more cost-effective alternatives available to the
22 company, that would have been in the best interest of
23 the ratepayers. So that was bad language on my part.

24 And I'm just going to leave it there now,
25 unless you have any additional questions.

1 JUDGE HOWARD: What are your thoughts on
2 Mr. Steele's recommendation that Sierra Club coordinate
3 with NWECC?

4 MS. SMITH: We'd have to check with NWECC. I
5 think we'd be amiable to that. We have had
6 conversations with them. We've worked well numerous
7 times in the past.

8 You know, again, because these papers were just
9 filed at the end of the January, it's hard to get
10 through all the testimony. But I think I've been pretty
11 clear about what we're interested in. But I'd hate to
12 see our involvement limited at this time given our track
13 record of being on point in the past and participating
14 beneficially to all parties in other rate cases.

15 So I'm happy to hear what NWECC has to say about
16 that.

17 JUDGE HOWARD: Would NWECC like to give a
18 brief response since this conversation is bringing up
19 your organization?

20 MS. PAREKH: Thank you, Your Honor.

21 Northwest Energy Council doesn't have concerns
22 with coordinating with the Sierra Club on issues, and of
23 course we wouldn't want that to limit our participation
24 in the forum in any way. But we are happy to coordinate
25 with the Sierra Club.

1 JUDGE HOWARD: All right. Thank you.

2 Mr. Steele, I'm going to take your arguments
3 under consideration. I'm aware that both Sierra Club
4 and NWECC have appeared before the Commission on numerous
5 occasions. So I'm going to be granting their petitions
6 to intervene, but I will take your arguments into
7 consideration about the scope, and I will address those
8 in the order.

9 MR. STEELE: Thank you, Your Honor.

10 JUDGE HOWARD: And I just want to check in
11 with Mr. Pepple again -- just to continually bother
12 Mr. Pepple during this call -- because a question
13 occurred to me.

14 What issues does Microsoft intend to intervene
15 on?

16 MS. MILINOVICH: Good morning, Your Honor.
17 This is Corinne Milinovich from the law firm Davison Van
18 Cleve on behalf of Microsoft.

19 Mr. Pepple had to drop off the call, but I am
20 more than happy to answer your question regarding
21 Microsoft's interest; is that correct?

22 JUDGE HOWARD: That's right.

23 What issues in the case would Microsoft intend
24 to intervene on?

25 MS. MILINOVICH: So Microsoft is interested

1 in PSE's request for relief, which includes a proposal
2 for how to allocate decommissioning and remediation cost
3 from the Colstrip generating station to Microsoft. So
4 that cost allocation is an issue that Microsoft is
5 specifically interested in.

6 JUDGE HOWARD: Okay. Would that be your
7 primary concern? Is that fair to say?

8 MS. MILINOVICH: Yes.

9 JUDGE HOWARD: Okay. All right. That's the
10 only question I had at this time. It just occurred to
11 me to ask that.

12 All right. So I believe we've heard from
13 everyone on the petitions to intervene in the case. As
14 I have indicated, CENSE and Puyallup Tribe's petitions
15 are granted subject to conditions. The remaining
16 petitions to intervene are granted to the extent that
17 PSE has raised concerns about the scope of Sierra Club's
18 participation in the case and whether to coordinate with
19 NWECC. I will address that in the prehearing conference
20 order.

21 So let's move on to the issue of the procedural
22 schedule. Before our call today, I e-mailed the parties
23 with the possible dates for the hearing. I indicated
24 the Commission could hold the hearing over two days,
25 preferably on September 27th and September 28th.

1 MS. CAMERON-RULKOWSKI: Your Honor, I'm
2 sorry to interrupt, but I did have a point about the
3 interventions. If I could raise that now before we move
4 on, I'd appreciate it.

5 JUDGE HOWARD: Sure, go ahead.

6 MS. CAMERON-RULKOWSKI: Thank you.

7 So I didn't -- I wasn't given an opportunity to
8 say anything about the most recent interventions, and I
9 did want to bring up a point. There are a lot of
10 parties in this case, and I just want it to -- I want
11 all of the parties to be aware of that, and the case
12 administration in this particular case is going to be
13 significant with the number of parties that we have.

14 And I want -- especially newer parties, for
15 example, Front and Centered, to be aware that there
16 are -- that the Commission has procedural rules. And
17 they may be engaging an attorney, but especially if they
18 aren't, I just want them to be aware that there are
19 procedural rules, and we all need to follow them or the
20 case administration in this case is going to get very
21 unwieldy.

22 And I just wanted to bring up that point and
23 make sure that, especially the new intervenors, are
24 aware of the rules. And I did put a link to the
25 intervention rule in the chat, and I hope that

1 Ms. Thuraisingham was able to see that. And that link
2 will navigate to the other procedural rules as well.

3 And thank you for entertaining me, Your Honor.

4 JUDGE HOWARD: Yeah, and I agree with your
5 comments.

6 And I would say further, I mean, that the scope
7 and number of issues and the nature of this being a
8 multi-rate plan and the first one of these types of
9 cases under the new statute with all these intervenors,
10 it's going to require coordination and a lot of effort
11 from everyone involved.

12 MR. FFITCH: Your Honor, this is Simon
13 ffitich. May I just be heard briefly on this point?

14 JUDGE HOWARD: Certainly.

15 MR. FFITCH: I wholeheartedly agree with the
16 general observation about the administration and the
17 number of parties.

18 I do want to also just remind the Commission
19 that another thing that we're trying to do here in the
20 regulatory world is to open proceedings up to more
21 participants, some of whom aren't historically very
22 active in front of the Commission, but would like to get
23 active on behalf of vulnerable populations particularly
24 in highly impacted communities. And the Commission is
25 making a real effort and initiative to try to make that

1 pathway more accessible to people.

2 So, you know, that can apply to some parties in
3 this docket as well, and that's part of the picture as
4 well. I just wanted to add that to the discussion.

5 Thank you, Your Honor.

6 JUDGE HOWARD: Certainly.

7 So I'm talking about the issue of the
8 procedural schedule. I mentioned that I proposed some
9 hearing dates, and I believe Ms. Baldwin earlier
10 referred to there being some proposed schedules
11 circulating.

12 So let's start discussing that. And would PSE
13 or Staff or would another party like to say where the
14 parties are at in these positions?

15 MS. CAMERON-RULKOWSKI: Your Honor, this is
16 Jennifer Cameron-Rulkowski for Commission Staff, and I'd
17 be happy to describe where we're at.

18 So Staff has prepared a schedule, and I'm happy
19 to share that with you, and so has PSE. And we have --
20 I would say we're pretty close on a number of the dates,
21 and the primary difference that we have is at the end of
22 the case. And I can go ahead with my remarks on that
23 now, but I think it might be helpful for you to have
24 both schedules in front of you before we provide those
25 remarks.

1 And I have a proposal, which is that both
2 Ms. Carson and I e-mail you our schedules. And the
3 parties, except for the newest intervenors or potential
4 intervenors, have seen those schedules in large part.
5 I'll clean mine up a little bit. And then I would just
6 propose we e-mail those, and perhaps we could take a
7 very short break.

8 JUDGE HOWARD: I think that's a good idea.

9 Yeah, if you could e-mail those to me. I think
10 it would be a good time to take a break as well.

11 And I'll just let everyone know that one thing
12 I've been considering for the schedule in this case -- I
13 mean, there's a number of moving pieces -- but I am
14 considering the idea of setting -- putting a couple of
15 dates in the schedule for discovery conferences if they
16 are needed, just because we have so many parties and
17 things that we need to coordinate, and we do have a
18 history of contentiousness around some of these issues.

19 So I think if we have these dates for discovery
20 conferences, if disputes arise, that that could be
21 helpful. So why don't you please send those to me.

22 Let's take a break.

23 MS. CARSON: Your Honor, may I speak just
24 for a moment on behalf of the Company?

25 JUDGE HOWARD: Yes.

1 MS. CARSON: I agree with
2 Ms. Cameron-Rulkowski that, really, our schedules are
3 not that far apart in most respects. She highlighted
4 one difference, and I want to highlight one other
5 difference that's very important to PSE.

6 The end of the case, as you'll see, we -- PSE
7 accepted the first dates that you offered in September.
8 Staff accepted the October dates. Staff does not allow
9 for a reply brief, which is -- reply briefs are critical
10 to PSE, and we have always, in past GRCs, had reply
11 briefs, so that's very important. So I would consider
12 that one difference.

13 The second difference is the amount of time
14 between response testimony and rebuttal testimony.
15 Staff's is shorter. It's five weeks, which we think is
16 unacceptable. We've followed closely the 2019 GRC
17 schedule and other recent schedules, and we have six
18 weeks, which we think is just a bare minimum because
19 there's also a settlement conference in there that will
20 pull away time and resources from preparing rebuttal
21 testimony.

22 So those are our two major concerns, is the
23 time between response and rebuttal testimony, and the
24 hearing date being pushed back late by Staff so that
25 there is not reply brief opportunity. Thank you.

1 JUDGE HOWARD: Thanks. So --

2 MS. CAMERON-RULKOWSKI: Your Honor, I'll
3 reserve argument until after the break.

4 JUDGE HOWARD: Okay. We're about to take a
5 break, but I do want to get both of your thoughts.

6 Are you sort of at an impasse right now? Or
7 would it be helpful to take a longer break so the
8 parties can discuss this with me off of the call? Or
9 are we just at the point where we have two competing
10 schedules and we need to just resolve it?

11 Staff, you may go first.

12 MS. CAMERON-RULKOWSKI: Sorry, Your Honor.
13 I was having trouble with clicking. There we go.

14 I think we're at an impasse. I think we need a
15 decision on what the Commission would like to do.

16 JUDGE HOWARD: Okay.

17 Ms. Carson, would you agree with that?

18 MS. CARSON: I think that's probably true.
19 We have tried. There's been a lot of back-and-forth on
20 this, and I think those two issues are very critical to
21 PSE. So I think we're at an impasse.

22 With the exception -- you know, if there's a
23 way to have the later hearing date with the reply brief,
24 you know, we could do that. But that, you know, starts
25 impinging on the Commission's time for deliberation.

1 JUDGE HOWARD: Well, is Staff unable to work
2 with the -- let me see.

3 So Staff is going with the later of the two
4 hearing dates I suggested? Is Staff unable to make
5 September 27th and 28th work? Or is it because of other
6 factors in your schedule?

7 Ms. Cameron-Rulkowski?

8 MS. CAMERON-RULKOWSKI: Sorry, Your Honor.
9 I was trying to send the schedule. I haven't done it
10 yet.

11 So there are a number of things in play here.
12 So I guess we're having the discussion now. So what is
13 going on right now is we have something that I have
14 never experienced at the Commission, and I've been
15 here -- I've been with the UTC division for many years
16 at this point.

17 We have filings from two major utilities that
18 are ten days apart. And we have cases that are
19 basically two major general rate cases that are running
20 in parallel track. And we also have to work around some
21 times when Staff is going to be out, and that means --
22 and since the dates around July 4th are very difficult
23 for us, and we need a little more space moving forward.

24 And so Ms. Carson has talked about the
25 compression of the time between the response testimony

1 and the rebuttal, but that's what's going on there. We
2 have people out, and we have major decision-makers on
3 the case out. And we can't simply turn around and then
4 file testimony right after that. So that's one issue.

5 But back to the main issue. We have these two
6 cases in parallel. And this is -- this means that it's
7 all of the same attorneys who are working on both cases,
8 and in many cases, it's some of the same decision-makers
9 or regulatory services staff. And then also there's
10 other stakeholders, and I don't want to leave out the
11 policy staff and the decision-makers as well. This is a
12 real challenge.

13 And the way that the Company's schedule has
14 arranged things at the end is that we would have -- and
15 I have some of the Avista dates courtesy of Public
16 Counsel in the staff draft schedule. The way that this
17 would work is that we have a hearing in the Avista
18 general rate case. Then, we have, the following week, a
19 hearing in the PSE general rate case. This is PSE's
20 schedule. And then we're briefing both at once. We
21 need a little bit of time in between those.

22 I will note that PSE's schedule -- I don't
23 think it has the full six weeks that you asked for in
24 your e-mail between rebuttal and the hearing. We've got
25 that in there. We've gone with the later hearing date

1 that you suggested in October.

2 And the question that we have is -- this is for
3 the Commission, too. I think the Commission -- the
4 decision-makers are going to get quite compressed at the
5 end. And I do want the Commission to consider -- I hope
6 they're thinking about making these two big decisions at
7 the same time. And if they're considering asking the
8 Company to extend the schedule at all, I would encourage
9 the Commission to do it now so that it benefits the
10 stakeholders.

11 Extending the effective date, the
12 rate-effective date, would be a way to easily work in a
13 reply brief. And that's what PSE wants, is they want a
14 reply brief. I'll point out that the Commission's
15 procedural rules do not guarantee a reply brief. Reply
16 briefs aren't in there. So in the Avista general rate
17 case, there is no reply brief. I know that PSE
18 typically has a reply brief, and it has not been an
19 issue in the past.

20 Like I said, I have not experienced this, that
21 we have major rate cases so close together. And this is
22 within the control of the utilities. And we, as the
23 stakeholders, are simply -- we have to simply react.
24 But it is within the Company's ability to extend out the
25 rate-effective date if they really want that reply

1 brief.

2 And so I would ask the Commission to consider
3 asking the Company to extend out that date. Otherwise,
4 we can do without a reply brief, and PSE can do without
5 a reply brief as well.

6 JUDGE HOWARD: Ms. Carson, would you like
7 to --

8 MS. CARSON: Yes.

9 Your Honor, there's a statutory deadline
10 suspension. PSE is not willing to waive that. And it's
11 not something that the Commission can require the
12 Company to do. So we are not willing to waive that.

13 For the past two decades in its general rate
14 cases, PSE has had reply briefs. Also, in looking at
15 every industrial utility except Avista in their recent
16 general rate cases, they all have reply briefs:
17 Cascade, Northwest Natural, PacifiCorp, and of course
18 PSE.

19 I also went back and looked at the 2019 GRC
20 order, and the Commission reply briefs are critical to
21 the Commission sorting through these complex issues and
22 sorting through the initial briefs and reaching fair,
23 just, reasonable, and sufficient rates.

24 And the Commission cited reply briefs over 20
25 times on important issues like prudence of Get to Zero,

1 on prudence of the Data Center, and in the period rate
2 base, and Colstrip decommissioning and remediation, and
3 on and on and on. So this is obviously something that
4 is not just important to PSE, but it's important to all
5 parties. And it was not just PSE's reply brief, it's
6 citing to all different parties' reply briefs on those
7 important issues.

8 So we think it's critical -- if there's a way
9 that it can be done with the hearing date pushed back,
10 that's fine. But we do not want to forego the right for
11 a reply brief. And we do feel that at least six weeks
12 is needed between response and rebuttal.

13 I would say that I e-mailed back and forth with
14 Ms. Cameron-Rulkowski, and she expressed what her
15 concerns were with PSE's original schedule and where it
16 was too tight, and we stretched it out on each of those
17 areas that she identified as being too tight and too
18 constrained. So we have made efforts to deal with the
19 real pressure points for Staff and other parties.

20 JUDGE HOWARD: All right. Thank you.

21 Let's hear briefly from Ms. Gafken. I see your
22 hand is raised. And then we'll take a brief recess.

23 MS. GAFKEN: Thank you, Judge. I didn't get
24 my hand up quick enough. We may have been better to do
25 this before Puget's response, so my apologies there.

1 Public Counsel does agree with Staff's proposed
2 schedule. In terms of the dates that you'll see when
3 they're e-mailed to both of you, we can make all of them
4 work except for the June 14th settlement date in PSE's
5 schedule. We do have a conflict on that date, and so we
6 would need to work with the parties to find an
7 acceptable date for that particular event.

8 But we do strongly support holding the hearing
9 in this case on October 3rd and 4th instead of September
10 27th and 28th. There is a real issue with two major
11 rate cases being sandwiched on top of each other.

12 Avista and PSE have both presented substantial
13 major cases that are pending before the Commission on
14 virtually the same timeline. Public Counsel has
15 witnesses who will appear in both proceedings. I am
16 sure that other parties may face that issue, too.
17 Although I have not specifically confirmed that with
18 Counsel, but I imagine that to be the case.

19 Staff schedule provides the space between the
20 events that is necessary to do a good job in both cases,
21 and ultimately, the goal -- I think we have a shared
22 goal among the parties -- of providing the Commission
23 with the best record possible on which to make its
24 decision.

25 Unfortunately, as we've been discussing,

1 Staff's schedule eliminates the time for a reply brief.
2 And the issue for Public Counsel is not opposition to
3 the idea of a reply brief. It's certainly been used,
4 and I am very aware of Puget's preference for a reply
5 brief.

6 But the issue truly is time. With the final
7 briefing needed by the Commission by October 31st, there
8 simply is not time to include reply briefs without a
9 slight extension to the suspension date, and of course
10 only Puget has the power to extend that suspension date.

11 I will note that reply briefs have not been
12 uniformly used in rate cases before the Commission, and
13 that the pending -- you know, as I said before -- the
14 pending Avista rate case does not have reply briefs.
15 While Puget would like reply briefs, they are not
16 necessary or required under the Commission's rules.

17 Thank you for the opportunity to address this.

18 JUDGE HOWARD: Thank you.

19 So let's take a 15-minute recess and come back
20 at 11 -- let's just say 11:25.

21 I think our plan is going to be basically to
22 just finish some of the formalities at the end of the
23 prehearing conference, and then I want to -- because the
24 parties are at an impasse, I want to really consider
25 this issue carefully over this afternoon and issue a

1 decision on the schedule and the prehearing conference
2 order and look at everything very carefully because I
3 think that there are a lot of competing interests and
4 valid concerns and interests on both sides of this.

5 So let's take a recess and go off the record
6 and return at 11:25.

7 (A break was taken from 11:13 a.m. to
8 11:25 a.m.)

9 JUDGE HOWARD: It is 11:25. We're coming
10 back after a brief recess here.

11 I've received Staff's proposed procedural
12 schedule in an e-mail, and I've also received the
13 Company's proposed schedule. I'm going to carefully
14 evaluate both of them after our prehearing conference
15 today and issue a decision in the prehearing conference
16 order as I was indicating.

17 One question I had after looking at them just
18 briefly was -- it did look like the Company's proposal
19 for updating its power costs was about a month later
20 than Staff's. I was wondering if that was -- was that a
21 material disagreement? Or is that an incidental issue?

22 Ms. Carson, would you care to comment?

23 MS. CARSON: Well, in PSE's schedule, there
24 is an update of power costs at the time of rebuttal.
25 And then there's also the potential for a power cost

1 update 60 days before the rate-effective date, which I
2 believe that parties are willing to agree to provided
3 that -- as I understand it, there's a PacifiCorp,
4 P-Corp, that has this issue before it now. And so I
5 think the parties are willing to see how the Commission
6 deals with that in the PacifiCorp, P-Corp.

7 That 60-day update to power costs was actually
8 something that staff had originally put in its schedule.
9 PSE has updated power costs oftentimes at the compliance
10 filing, which we're happy to do that as well. But
11 that's something that Staff originally had in, and I
12 know there was some concerns, and I believe the parties
13 decided to see how it was treated in the PacifiCorp
14 case.

15 JUDGE HOWARD: Okay.

16 Ms. Cameron-Rulkowski?

17 MS. CAMERON-RULKOWSKI: Thank you, Your
18 Honor.

19 Yes, I concur with what Ms. Carson said. I
20 took out the 60-day update -- I took that out of my
21 schedule because there was not agreement among the
22 parties to that. But there was agreement to put it back
23 in, as I understand it, depending on the decision in the
24 P-Corp case.

25 The other thing that I wanted to bring to

1 everyone's attention is that in the schedule that I sent
2 you, I included language on the content of the power
3 cost update, and this is something that the parties are
4 discussing. And I had circulated that language on
5 Friday and hadn't had an opportunity to hear back from
6 everyone. I believe it's acceptable to PSE. We had had
7 some preliminary conversation on it, but I did want to
8 bring that to your attention.

9 So everyone -- well, everyone with the
10 exception of Front and Centered, I believe, and
11 Ms. Milinovich -- has seen that language.

12 JUDGE HOWARD: Okay. It did appear that the
13 scope of the update was the same between the two
14 proposed schedules; is that right?

15 MS. CARSON: That's correct.

16 MS. CAMERON-RULKOWSKI: Yes it is.

17 And it's supposed to be at the rebuttal stage,
18 and then as Ms. Carson represented, potentially at
19 the -- well, the 60 days before the rate-effective day.

20 JUDGE HOWARD: Okay. All right.

21 Well, like I indicated, I'll take those both
22 under consideration. And I may respond to each of your
23 e-mails cc-ing all of the attorneys of record just to
24 err on the safe side of disclosing all communications
25 I've received to all the parties of record.

1 Mr. Ffitch?

2 MR. FFITCH: Thank you, Your Honor. I just
3 wanted to make a couple of points.

4 First of all, I wanted to say for the record on
5 behalf of The Energy Project, that we do support the
6 Staff recommended schedule for the reasons that were, I
7 think, well articulated by both Staff and Public Counsel
8 and tied to the schedule congestion with the Avista
9 case. We are a party also to the Avista case.

10 The second thing I wanted to just bring up for
11 consideration -- and I don't think this necessarily
12 requires a change to the hearing dates -- but just to
13 ask the Commission to keep in mind that the first
14 recommended hearing date in September falls close to the
15 Rosh Hashanah holiday, and that the hearing date in
16 October is very close -- I think just immediately
17 before -- Yom Kippur.

18 So there may need to be some consideration
19 about -- you know, as the Commission is getting closer
20 to those certain dates -- about accommodating those two
21 holidays if that's necessary for counsel or witnesses.

22 JUDGE HOWARD: Okay. I definitely want to
23 be accommodating of people's freedom to exercise their
24 religion.

25 Would there be a specific accommodation that we

1 should keep in mind?

2 MR. FFITCH: I'm not --

3 JUDGE HOWARD: Is there a time of day that
4 would be problematic? I'm not familiar with it.

5 MR. FFITCH: As I understand it, Your Honor,
6 the most important concern is the Yom Kippur holiday,
7 and others may be able to speak to this.

8 But I believe if the hearing ends -- the
9 October dates proposed are October 3rd and 4th, I
10 believe. I believe if the hearing ends at 5:00 on the
11 4th, there's not an issue. But if it continues on into
12 the evening, that could be an issue. So it would have
13 to be -- as I'm informed -- that beginning again the
14 next day might be all right, but there might have to be
15 a hard stop at 5:00 at the end of the October dates.

16 The first day of the hearing in September -- I
17 think is Monday, September 26th if I'm not mistaken --
18 is the second day of Rosh Hashanah. And, Your Honor, I
19 can't speak to the observance issues there.

20 I just wanted to bring this to the Commission's
21 attention without recommending a change, but other
22 parties or witnesses may, you know, want to raise that
23 at some point. So I want to put it on your radar.

24 JUDGE HOWARD: No, I appreciate that. And I
25 was not aware of those issues, so I always like to hear

1 them.

2 MR. FFITCH: Thank you.

3 JUDGE HOWARD: I should ask -- Mr. ffitch,
4 do you have something else?

5 Okay. I'm sorry. I wasn't sure if I was
6 cutting you off.

7 Does any other party wish to give any comments
8 before we move onto the remaining issues today?

9 MR. MAYER: Yes, Your Honor. This is Ben
10 Mayer for King County.

11 I just wanted to thank PSE and Staff for
12 putting those together. And I think you'll notice in
13 both, there's a Green Direct settlement conference, an
14 early one, and I just wanted to say that the County has
15 specific dates in that window that -- if possible, it
16 would like to see a specific date in the order, and it
17 has available April 11th to the 15th, April 18th, and
18 April 20th.

19 And I just wanted to put that out there for
20 other parties to respond if there's anything now. If
21 not, those are the dates that the County has available
22 for that particular settlement conference.

23 JUDGE HOWARD: Could you run those dates by
24 me, again? April 11th through the 15th?

25 MR. MAYER: Correct.

1 JUDGE HOWARD: And what were the other ones?

2 MR. MAYER: Yes, April 18th and April 20th.

3 JUDGE HOWARD: Okay. Okay.

4 Any other party wish to comment before we move
5 on?

6 All right. Hearing none.

7 So I will just touch on a few more issues, and
8 I believe we are through the main substance of the
9 prehearing conference already.

10 So I do want to touch on the new issue of
11 intervenor funding. As you may be aware, the Commission
12 recently improved the interim agreement for intervenor
13 funding in Docket U-210595 with certain amendments.

14 I e-mailed the parties before our conference to
15 let them know that any request for case certification
16 and notices of intent to seek funding do not need to be
17 filed by the time of today's prehearing conference.
18 These documents should instead be filed with the
19 Commission on or before March 14th, 2022, so this would
20 be in 14 days from today. And this will be a deadline
21 for written submissions only.

22 And then following -- the terms of the interim
23 agreement with the deadline for proposed budgets would
24 then be 30 days later on April 13th, 2022, and I saw
25 that both of the proposed schedules incorporated that.

1 Do any of the parties or intervenors or -- I
2 know Front and Centered hasn't moved to intervene yet,
3 but does anyone have any questions or concerns that they
4 would like to raise now about intervenor funding?

5 MR. FFITCH: Your Honor, this is Simon
6 ffitich.

7 JUDGE HOWARD: Yes, go ahead.

8 MR. FFITCH: I just wanted to provide
9 information to the Bench and to the parties about the
10 status of the final modified agreement.

11 My office has in hand signatures to the
12 agreement that's been modified according to the
13 Commission's order that was issued last week. And we
14 expect to file that within the next hour or so with the
15 Commission in the docket established for consideration
16 of intervenor funding. So that's just information for
17 Your Honor and for the other parties.

18 JUDGE HOWARD: Thank you. I will be sure to
19 check that.

20 Does anyone else have any questions or comments
21 or concerns at this time for this issue?

22 All right. Hearing none.

23 I'll next move on to the issue of discovery and
24 data requests. So on the issue of discovery generally,
25 I want to caution the parties to speak judicious in

1 their use of discovery. As we've observed, this is a
2 large case with a large number of parties on a
3 constrained timeframe. Discovery may not be used as a
4 fishing expedition. If parties have discovery disputes,
5 they should attempt to work those out in good faith.
6 But if they cannot, they should bring any motions to the
7 Commission for resolution.

8 When I'm considering the proposed procedural
9 schedules this afternoon, I may include a discovery
10 conference in the schedule that I adopt, as it may
11 reflect a specific date, or I may just have it as a
12 to-be-determined date because that could be helpful if
13 we need that later on.

14 I also want to address a few specific issues
15 regarding discovery. One point would be having a
16 requirement in the prehearing conference order that the
17 parties identify each data request by subject in the
18 cover letter in the distribution e-mail and in the data
19 request itself, and then data requests would then be
20 grouped by subject when they are propounded.

21 Does anyone have any concerns or objections to
22 my including such a requirement?

23 All right. Hearing none, I will continue.

24 I did not see if the proposed schedules
25 shortened the time for discovery responses. Oh, it

1 looks like this is addressed in Staff's -- just give me
2 one moment here -- I see -- and the Company's schedules.
3 Okay. So I will move on from that. I see that the
4 parties have addressed that.

5 And, finally, I'm aware that the parties author
6 a request that any data request and responses are shared
7 with every other party. It will make this easier on the
8 parties by including such a requirement in the
9 prehearing conference order. This would be subject to a
10 limitation that we have a couple of intervenors now who
11 have conditions placed on their participation in the
12 case.

13 So is there any objection to my including such
14 a requirement for sharing requests and responses with
15 the other parties in the prehearing conference order?

16 Mr. ffitch, do you have a concern?

17 MR. FFITCH: I do not have a concern. I
18 have a belatedly raised hand with a question about an
19 earlier matter, Your Honor.

20 JUDGE HOWARD: Go ahead.

21 MR. FFITCH: But no objection to your last
22 statement about exchanging information.

23 JUDGE HOWARD: Okay.

24 MR. FFITCH: I just wanted to understand
25 what the Bench was contemplating for the discovery

1 conferences. Would that be a time to bring disputes to
2 the Bench? Or would it be a time for parties to discuss
3 discovery matters informally, which we, you know, often
4 do in any event?

5 But I just wondered what your thinking there
6 was on the function of the discovery conferences.

7 JUDGE HOWARD: It would be -- it's not
8 something that we do in every case as you know, but it
9 would be an opportunity for the parties to meet with me.
10 And if there are disputes about discovery that has been
11 propounded already, those could be addressed in the
12 conference and then possibly solutions worked out. And
13 this is, you know, recognizing the number of intervenors
14 in the case and that there have been concerns raised by
15 PSE regarding past discovery.

16 I'm not saying that I'm agreeing with those on
17 the merits I haven't evaluated that. That hasn't come
18 up yet in this case. But I think it could be helpful to
19 have such a meeting on the calendar to resolve disputes
20 and to look for a path forward if there is a
21 disagreement.

22 But if it's not needed by the time we come to
23 that point in my calendar, then we don't have to have
24 it.

25 MR. FFITCH: Thank you, Your Honor. I

1 appreciate the clarification.

2 JUDGE HOWARD: Ms. Carson?

3 MS. CARSON: Yes, Your Honor. I don't
4 believe we have any objection to having that kind of
5 discovery conference on the calendar. I guess we are
6 concerned about the amount of discovery. We sometimes
7 in the past have seen parties, you know, just kind of
8 blanketly send out discovery from their experts that --
9 maybe before they've read the case -- and so they're
10 asking questions that are already there.

11 So I guess I would just, you know -- ask
12 everybody to please, you know, read first and then send
13 your discovery so that we're not repeating things that
14 are easy to find.

15 The other thing is sometimes parties don't look
16 at what the other parties have sent, and so we get these
17 same repetitive questions from three or four different
18 parties.

19 So I guess, you know -- I know the Commission
20 has the ability to limit discovery requests, and, you
21 know, we're not asking for that at this time. But I
22 guess if there's a discovery conference and we're just
23 inundated with discovery that's repetitive, you know, we
24 would want to reserve our right to ask for discovery to
25 be limited at some point in time.

1 JUDGE HOWARD: And I would say that that
2 could be an option on the table in the future if it's
3 required.

4 It looks like CENSE's attorney might want to
5 respond.

6 MR. ARAMBURU: I'd like to understand the
7 nature of the discovery conference. If discovery is
8 submitted and then there becomes an issue, we don't wait
9 until a date, a specific date, to discuss that with
10 counsel. It would be my understanding that if there's a
11 dispute that comes up, it should be attempted to be
12 resolved as in CR-37 between the parties, and I don't
13 think we would have to wait.

14 I guess the question would be, if counsel got
15 together to discuss this, would we need your
16 participation in the conference?

17 JUDGE HOWARD: No, that's a good question.

18 And the parties should follow the normal rules
19 of attempting to work out disputes between each other
20 without the Commission's intervention. So the discovery
21 conference is the fallback of if there are disputes
22 remaining that the parties cannot work out, and they're
23 still there, and they haven't already been addressed by
24 ruling on a motion to compel or something of that
25 nature, then that could be an opportunity to sit down

1 and have a brief discussion to find a solution and move
2 forward.

3 It's not something the Commission does in every
4 case. I think it could be helpful in this particular
5 one. Hopefully that answers your question.

6 MR. ARAMBURU: Thank you for the
7 clarification.

8 MS. CARSON: I would just make one other
9 point, is that PSE has worked very closely with other
10 parties in these proceedings. We very, very rarely get
11 to the point where there's a motion to compel or we're
12 at a complete impasse. So our hope would be that we can
13 continue to work with the parties on discovery issues.

14 JUDGE HOWARD: Great.

15 Did any other party have any questions about
16 discovery before we continue on to a few more
17 housekeeping matters?

18 MS. CAMERON-RULKOWSKI: I do, Your Honor.
19 This is Jennifer Cameron-Rulkowski. Thank you.

20 I concur with Ms. Carson. We are generally
21 able to resolve discovery issues among the parties. And
22 we do have a lot of dates in the schedule already, so
23 I'm not sure it would be helpful to set a date. These
24 issues tend to arise organically, and if there's an
25 issue we can't resolve, I certainly wouldn't wait around

1 until a discovery conference. I would be taking some
2 sort of action.

3 So they can be incredibly helpful, these
4 informal gatherings, but we've managed thus far to
5 organize them on our own among the parties. And so I
6 know we have a lot of parties and it's hard to get
7 dates, but because we don't really know when an issue
8 might arise, I'm not sure how useful it is to have a
9 date that we then have to notify the judge that we're
10 changing or skipping.

11 So I guess I appreciate the concept because it
12 can be so helpful, but I'm not sure when it would be.

13 JUDGE HOWARD: All right. Maybe that will
14 just be something to keep in mind -- for me to keep in
15 mind, really. And if we need it, we need it. And if we
16 don't, then we won't include a specific day.

17 MS. CAMERON-RULKOWSKI: And can I bring up
18 one other issue, Your Honor?

19 JUDGE HOWARD: Sure.

20 MS. CAMERON-RULKOWSKI: Regarding discovery,
21 we've had this come up a couple of cases now, and I want
22 to get on top of it.

23 Under the Commission's procedural rules at
24 WAC 480-07-405, parties are required to serve copies of
25 data requests on other parties. So we're required to

1 provide all of the parties a copy of what -- the data
2 requests that we've served on the Company or anybody
3 else.

4 So I think that what we would need in the
5 prehearing conference would be a statement that all of
6 the parties want to receive copies of the response to
7 the discovery.

8 JUDGE HOWARD: No, I believe you're correct
9 on that. And that's what that language would be getting
10 at. I mean, it's more concerned with the response.

11 MS. CAMERON-RULKOWSKI: Thank you, Your
12 Honor.

13 JUDGE HOWARD: Any other questions or
14 concerns on discovery before we move on?

15 All right. Hearing none.

16 I wanted to touch on the issue of the
17 protective order. I will remind the parties that the
18 Commission has already entered a protective order in
19 this docket with provisions for the protection of highly
20 confidential information.

21 I did see that on February 22nd, last week,
22 CENSE had filed a signed page for the confidentiality
23 agreement, but it did not use the normal signature page
24 which is attached as an exhibit to the protective order.

25 Mr. Aramburu, would you mind refileing that

1 signature page using that form page that's included with
2 order two?

3 MR. ARAMBURU: We'll do so today, yes.

4 JUDGE HOWARD: Thank you. Thank you. It's
5 a little, you know, detail-focused of me to bring that
6 up, but that's my job.

7 So a couple more housekeeping matters. On
8 electronic filing and electronic service, the Commission
9 requires electronic filing of documents for formal
10 filing. We are continuing to suspend the requirements
11 for paper copies of filed documents in lieu of the
12 COVID-19 pandemic, which will be memorialized in the
13 prehearing conference order.

14 Also, the Commission's rules provide for
15 electronic service of documents. The Commission will
16 serve the parties electronically, and the parties will
17 serve each other electronically.

18 If any party has not yet designated a lead
19 representative for service, please do so via e-mail to
20 me as soon as possible. My e-mail is
21 michael.howard@utc.law.gov.

22 Also, if anyone would like to add names and
23 e-mail addresses of other representatives or support
24 staff, we should receive electronic courtesy copies of
25 all documents filed in this proceeding. Please e-mail

1 that to us as well. I saw that AWEC sent such an e-mail
2 this morning, and so we will take a look at that.

3 Let me check on the issue of errata sheets.
4 Okay. It does appear that both schedules are addressing
5 the issue of errata sheets. It is approximately one
6 week before the hearing.

7 Does anyone have any concerns with either of
8 the schedules' way of addressing errata sheets?

9 MS. CARSON: PSE has no objection.

10 I did have a question about the electronic
11 filing only. We were required to file five copies,
12 paper copies, of testimony and exhibits. Is that only
13 for testimony and exhibits? Is that for any filing with
14 the Commission in this case?

15 JUDGE HOWARD: No, the paper copy
16 requirement you're referring to -- I haven't looked this
17 up recently, but I believe it pertains to the Company's
18 filing of its initial testimony. And that requirement
19 for paper copies is something that is in statute, and we
20 don't believe that we can waive that. But we can waive
21 the requirement for paper copies as the case goes on.
22 That's what I'm recalling right now.

23 MS. CARSON: So for rebuttal testimony and
24 response testimony, will paper copies be needed?

25 JUDGE HOWARD: No, no .

1 MS. CARSON: Okay. Thank you.

2 JUDGE HOWARD: All right.

3 Is there anything else that we should address
4 today before we go off the record?

5 MS. GAFKEN: Judge Howard, I have one
6 additional thing that I believe is a housekeeping item.
7 It's about timely service, and I want to clarify when
8 timely service is made so parties can establish a shared
9 understanding and expectations.

10 Under WAC 480-07-365, Subsection 2C, that
11 requires, quote, all electronic documents submitted to
12 the Commission through the web portal or by e-mail on a
13 filing date deadline must be delivered to all parties
14 and the presiding administrative law judge by e-mail at
15 the same time the documents are submitted to the
16 Commission or immediately thereafter, end quote.

17 The reason I raise this is that we often see
18 materials near the end of the day. And I understand
19 that receipt prior to 5:00 p.m. is technically on time,
20 however, we have also received materials after 5:00 p.m.

21 For example, Puget served this rate case on
22 Public Counsel after 5:00 p.m. on January 31st, 2022,
23 even though the Record Center received the filing at
24 1:28 p.m. We received Puget's cover letter at
25 5:06 p.m., nonconfidential materials at 5:20 p.m., and

1 confidential materials at 5:26 p.m.

2 I do have other examples of filing provided
3 after 5:00 p.m. if that detail is helpful. But the
4 reason I'm raising this issue here is that this is not
5 an isolated event. Service after 5:00 p.m. is not
6 consistent with the requirements of simultaneously serve
7 or serve immediately after filing.

8 And to that end, I would like affirmation that
9 service after 5:00 p.m. is not timely. Thank you.

10 JUDGE HOWARD: Thank you, Ms. Gafken. I
11 think that is a valid concern.

12 I haven't reviewed, you know, the dates and
13 timestamps of exactly what you're referring to, but I
14 take your general point that it should be
15 contemporaneous, and it shouldn't be after the filing
16 deadline at issue.

17 And I was going to address this in the
18 prehearing conference order, but I would mention it now.
19 Two, is that the courtesy copy to the ALJ on the case is
20 extremely helpful and important, and that should be
21 contemporaneous as well.

22 There are times where it takes the Commission
23 Record Center staff a few hours to several hours
24 sometimes to process something, and there are even times
25 where things slip through the cracks. So it's very

1 important to include those courtesy copies to the ALJ to
2 make sure that your motion or your filing isn't lost to
3 the ether or something like that.

4 Is there anything else -- any other concerns or
5 questions we should address before we adjourn?

6 MR. COLEMAN: Your Honor, this is Brent
7 Coleman on the telephone for AWEC. I apologize, my
8 computer died.

9 I do have just one point of clarification if
10 that's okay.

11 JUDGE HOWARD: Sure.

12 MR. COLEMAN: The reason -- the basis for my
13 clarification is, in the simultaneous matter ongoing,
14 Judge O'Connell has asked for an electronic copy -- or
15 excuse me, a paper copy -- of unredacted testimony,
16 which I think was a little bit -- was not consistent
17 with what you just mentioned with respect to
18 electronics.

19 So I want to make sure I understand -- if
20 there's a differences in the two cases, I can manage
21 that. I just wanted to make sure I understood what you
22 were asking or identifying.

23 So is electronic submission acceptable? Or do
24 we still need to provide -- or does the Commission want
25 three paper copies for internal distribution of

1 unredacted testimony?

2 JUDGE HOWARD: You know, it's been my
3 understanding that we have been waiving paper copies for
4 filings after the Company's initial testimony. But I am
5 going to take a look at the Avista docket and just make
6 sure that I am understanding this issue correctly and
7 that I'm not overlooking the point.

8 So I'm going to -- that's a good question, and
9 I will have to just double-check myself and address that
10 in the prehearing conference order.

11 MR. COLEMAN: Okay. Again, I'll do what you
12 want, obviously. I just wanted to make sure that if
13 they're different, that I put my team on notice.

14 JUDGE HOWARD: Yeah, it's a fair question.

15 Any other concerns or questions?

16 All right. I will issue an order in the near
17 future containing the procedural schedule and other
18 guidelines for the disposition of this case.

19 We are adjourned. Thank you all for attending.

20 (Hearing adjourned at 11:56 a.m.)

21

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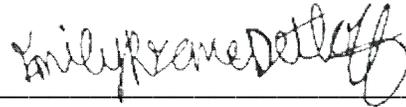
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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

I, Rose Detloff, a Certified Court Reporter 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.



ROSE DETLOFF, RPR, CCR #21036100

My commission expires:
DECEMBER 6, 2022