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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

3 In the Matter of the Petition)
4 of Avista Utilities for) Docket No. UG-021584
5 Extension of the Natural Gas) Volume II
6 Benchmark Mechanism.) Pages 27 to 52
7 _____)

8 A pre-hearing conference in the above matter
9 was held on September 19, 2003, from 9:30 a.m to 9:45
10 a.m., at 1300 South Evergreen Park Drive Southwest, Room
11 206, Olympia, Washington, before Administrative Law
12 Judge THEODORA MACE.

13 The parties were present as follows:

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18 dtrotter@wutc.wa.gov.

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20 General Counsel, East 1411 Mission Avenue, Spokane,
21 Washington, 99220, Telephone (509) 495-4316, Fax (509)
22 495-4361, E-mail dmeyer@avistacorp.com

23 THE PUBLIC, by ROBERT W. CROMWELL, JR.,
24 Assistant Attorney General, 900 Fourth Avenue, Suite
25 2000, Seattle, Washington, 98164-1012, Telephone (206)
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28
29 Joan E. Kinn, CCR, RPR
30 Court Reporter

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

2 JUDGE MACE: Let's be on the record in Docket
3 Number UG-021584. This is the matter of the Petition of
4 Avista Utilities for Extension of the Natural Gas
5 Benchmark Mechanism. We are assembled here today at the
6 offices of the Washington Utilities and Transportation
7 Commission in Olympia, Washington on September 19th,
8 2003, for a pre-hearing conference. The purpose of the
9 conference is to mark exhibits and address any matters
10 preliminary to the evidentiary hearing which begins on
11 Monday, September 22nd. My name is Theodora Mace, I'm
12 the Administrative Law Judge who has substituted in for
13 Marjorie Schaer hearing this case. I would like to have
14 the oral appearances of counsel now beginning with the
15 applicant.

16 MR. MEYER: Yes, Your Honor, appearing on
17 behalf of Avista is David Meyer, and would you like the
18 particulars or address, et cetera?

19 JUDGE MACE: No, you have already entered
20 those, we don't need to have that again. Short form is
21 fine today.

22 MR. MEYER: Thank you.

23 MR. TROTTER: For the Commission, Donald T.
24 Trotter, Assistant Attorney General.

25 MR. CROMWELL: Robert Cromwell on behalf of

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1 Public Counsel.

2 JUDGE MACE: Thank you.

3 I have passed out to the parties an agenda
4 that goes through several items that were raised in
5 documents that were supplied to me yesterday by counsel,
6 and we also have received the cross exhibits of the
7 parties, and we'll go through the exhibit list towards
8 the end I think.

9 But so let's see, is there anyone who has any
10 additions to this agenda?

11 I would like to make one agenda item
12 addition, one addition to the agenda, and that is to
13 talk about the order of cross.

14 Is there anything else that we need to add to
15 this?

16 All right, so just to review the stipulation
17 of the Hirschhorn exhibits, I think that Staff might
18 have mentioned that in a letter yesterday.

19 MR. TROTTER: Yes.

20 JUDGE MACE: And as far as that's concerned,
21 if everyone agrees, that's fine. I do want to indicate,
22 as you see the note under number two, the Commissioners
23 may still have cross questions of Mr. Hirschhorn, and I
24 wanted to make sure you were aware of that. I'm
25 assuming you intended to bring him to the hearing.

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1 MR. MEYER: He will be here in any event,
2 yes.

3 JUDGE MACE: Very well.

4 MR. TROTTER: I was making the offer to save
5 him a trip, so if he's here, then he can go on the stand
6 and make an offer, that's fine.

7 JUDGE MACE: And then the third item,
8 Ms. Elder will be Tuesday afternoon.

9 MR. CROMWELL: Thank you.

10 JUDGE MACE: Everybody agrees to that
11 apparently.

12 MR. MEYER: Yep.

13 JUDGE MACE: That's fine.

14 And we have already received the replacement
15 sheets for the Elder testimony I believe.

16 MR. CROMWELL: Yes, Your Honor.

17 JUDGE MACE: You supplied those earlier
18 today.

19 MR. CROMWELL: I have supplied clean copies.
20 I also have redlined versions for anyone. For the
21 record, there were I believe two typographical errors,
22 and then we wanted to clarify that Ms. Elder had used
23 the word Avista a number of times throughout about five
24 or six pages where it was perhaps more precise to say
25 Avista Energy, and I know the Chairwoman's preference

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1 for specificity.

2 JUDGE MACE: Right, so I have -- I'm sorry,
3 Mr. Trotter, did you --

4 MR. TROTTER: No.

5 JUDGE MACE: I have received those copies,
6 and we will just substitute the copies that you
7 provided. I don't really see a need for a redlined
8 version, as I indicated to you, for the Commissioners.
9 I think as long as the errors or the changes are
10 minimal, then it's not necessary.

11 MR. TROTTER: Could we go back to item three?

12 JUDGE MACE: Sure.

13 MR. TROTTER: I have no conceptual problem
14 with Ms. Elder testifying Tuesday afternoon. My only
15 concern is that we have some flexibility. I don't want
16 her to come in right in the middle of a Staff witness,
17 for example. So if it looks like we're about to start a
18 Staff witness -- is she going to be here in the morning?

19 MR. CROMWELL: I believe she's flying in
20 Monday.

21 MR. TROTTER: Okay.

22 MR. CROMWELL: So I'm hoping she will be here
23 Monday afternoon and that we could then substitute her
24 in any time Tuesday, perhaps after the conclusion of
25 cross of company witnesses. But if it looks like we are

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1 not going to conclude the cross-examination of company
2 witnesses on Tuesday, I would ask that we take her out
3 of order in that sense so that we could get her on and
4 off the stand Tuesday.

5 MR. TROTTER: I don't have a problem with
6 that. I just, I think this probably goes to the company
7 too, but if she could go on Tuesday morning and that
8 would avoid going in the middle of anybody's other
9 witness, that would be preferred.

10 JUDGE MACE: Well, it seems like counsel are
11 willing to be flexible about that so that we can
12 schedule her in a way to avoid Mr. Trotter's concern and
13 also get Ms. Elder on and off in a timely fashion.

14 MR. CROMWELL: Thank you.

15 JUDGE MACE: The next item is number five,
16 Staff's request to take official notice of Avista's gas
17 integrated resource plans for 1997, 2000, and 2003. I'm
18 not in a position right now to take official notice,
19 because I think the commissioners would have to be with
20 me on the Bench in order to do that, but I wanted to
21 tell you that we will likely need to have copies of
22 that.

23 MR. TROTTER: I actually do have them. I
24 forgot to hand them up.

25 JUDGE MACE: And you decided you didn't want

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1 to make those exhibits?

2 MR. TROTTER: Yeah, I'm sorry, they're here
3 on the trolley, I will just hand them to you.

4 JUDGE MACE: Oh.

5 MR. TROTTER: I just have one to avoid
6 copying six, it will be like this thick, so I'm happy to
7 make multiple copies.

8 JUDGE MACE: I see what you're saying.

9 MR. TROTTER: I have said in my letter I
10 would bring one of each for the parties and one for the
11 Bench. If you need more, we will expend the effort to
12 do that, but I do have them, I'm sorry.

13 JUDGE MACE: All right, why don't you pass
14 those out right now. And this is all of them right
15 here?

16 MR. TROTTER: That's right.

17 JUDGE MACE: Okay, I will address this with
18 the commissioners to see whether they want to have
19 copies. My guess is the commissioners are going to want
20 to have copies, so you might want to bring an additional
21 two copies on Monday morning.

22 MR. TROTTER: Okay.

23 JUDGE MACE: If you would be so kind.

24 MR. TROTTER: And also if official notice is
25 not taken, could I reserve the right to have them marked

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1 as exhibits for Mr. Norwood and we'll just --

2 JUDGE MACE: Absolutely.

3 MR. TROTTER: -- go through and --

4 JUDGE MACE: Absolutely.

5 MR. TROTTER: -- ask questions about --

6 JUDGE MACE: It may be actually --

7 MR. TROTTER: -- what it says, but that's

8 basically all we would do.

9 JUDGE MACE: -- just an easier way to avoid
10 having that argument that will take up some -- I mean it
11 may not be an argument, but it will just take up some
12 time. If you have them marked as exhibits, then you can
13 just cross-examine on them.

14 MR. TROTTER: Well, yeah.

15 JUDGE MACE: Perhaps you had a different
16 idea.

17 MR. TROTTER: All the cross would be, doesn't
18 it say on page 10 what it says on page 10.

19 JUDGE MACE: Yes, we don't want to have that.

20 MR. TROTTER: So that's why I was going to
21 just do it by official notice or have them moved into
22 evidence by stipulation.

23 JUDGE MACE: Okay, address it --

24 MR. TROTTER: Either way.

25 JUDGE MACE: Let me do it this way. I will

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1 try to check in with the commissioners this afternoon so
2 that you can, if necessary, avoid copying this document
3 again.

4 MR. TROTTER: Okay, that's fine, we're
5 willing to cooperate in any way you want.

6 JUDGE MACE: I have an order, I'm going to
7 skip number six, order of witnesses that I reflect in
8 number seven. Is the order going to be any different
9 than that? I recognize Ms. Elder may come slightly out
10 of order because we need to make sure that she gets
11 finished earlier on Tuesday. But other than that, is
12 there any change to the order of witnesses?

13 I have tentatively indicated on my own notes,
14 I didn't put them on this piece of paper, an order of
15 cross calling for cross of Avista witnesses first by
16 Public Counsel, then by Staff. Is that a problem, or
17 did you want a different order?

18 MR. CROMWELL: I think we commonly have had
19 Staff go first. I'm happy to defer to Mr. Trotter.

20 MR. TROTTER: That's fine.

21 JUDGE MACE: And then for the Staff witness,
22 I have Public Counsel and Avista.

23 MR. CROMWELL: And at this time, I would not
24 anticipate any cross for Mr. Parvinen.

25 JUDGE MACE: That's right, I think you

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1 indicated that.

2 MR. CROMWELL: Yeah.

3 JUDGE MACE: So it would be Avista.

4 And then for Public Counsel I guess it's just
5 Avista, so that solves that problem, okay.

6 MR. MEYER: May I just make the usual
7 reservation of our right, because we are putting our
8 witnesses' direct and rebuttal testimony in at the same
9 time, they will be up and then down, to reserve the
10 right, which we have seldom exercised, but just in the
11 event that there's some issues that require some
12 rebuttal, to represent the witness on the stand after
13 Staff or Public Counsel if there are some items that
14 need to be addressed by way of further rebuttal. It
15 doesn't often happen, but I just want to, in view of the
16 fact that we are bunching together our direct and our
17 rebuttal testimony and just getting it done and getting
18 it said up front.

19 JUDGE MACE: Well, you know, you're aware of
20 all the testimony at this point. You're certainly
21 welcome to make that request on the record. I can't
22 tell you what the answer would be.

23 MR. MEYER: I understand, I just didn't want
24 you to be surprised. And we're not anticipating the
25 need to do that, as I say, we have seldom exercised

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1 that, but I just wanted to bring that to your attention.

2 JUDGE MACE: Make sure you mention it on the
3 record while the Commissioners are here.

4 MR. MEYER: Yes.

5 JUDGE MACE: It would be good to do.

6 Let's briefly look at the cross grid. On my
7 own copy I have indicated that Staff E-mailed me with a
8 notification they're going to add -- they want to add 15
9 minutes to their cross of each of the three company
10 witnesses they're crossing. So by my calculation we
11 have approximately 11 hours of cross. We have only two
12 days for hearing, and I'm sure the Commissioners are
13 going to want to make it fit, so we may be going longer
14 if for some reason we don't move as expeditiously
15 through this list as we might otherwise. So I just want
16 to make sure you're aware that sometimes cross is
17 shorter too, and if you can shorten your cross, I'm sure
18 the Commissioners would appreciate it, particularly if,
19 you know, you don't want to be repeating questions. You
20 already know all this, I don't have to talk to you about
21 it I'm sure.

22 MR. CROMWELL: Your Honor, one question.

23 JUDGE MACE: Yes.

24 MR. CROMWELL: Is Wednesday afternoon still
25 potentially available?

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1 JUDGE MACE: No.

2 MR. CROMWELL: I guess in that event, if by
3 the end of the day Monday it looks like we are not on
4 pace, I would ask that we perhaps go longer both days
5 rather than end up in the situation where we're stuck
6 here Tuesday until the light dawns again on Wednesday.

7 JUDGE MACE: Surely. I have been in that
8 situation lately, but I just -- we need to talk about
9 that with the Commissioners present, because it does
10 depend on their schedule as well. So we could talk
11 about it, see how things go, and certainly bring it up
12 if it looks like we're not moving very quickly and see
13 if we can go longer both days. I can't give you an
14 answer right now.

15 MR. CROMWELL: I would ask that perhaps you
16 raise that with them if you have the opportunity.

17 JUDGE MACE: Okay, so let's turn to the
18 exhibit list. You will see on page 1 for Mr. Norwood I
19 eliminated Staff cross 1 arbitrarily. I don't know that
20 that was one of the ones you asked to have eliminated,
21 but I noticed that it appeared to be a duplicate of
22 another exhibit.

23 MR. TROTTER: And I did check, and it was
24 duplicative of Public Counsel's cross number 6, which
25 you identified as Number 12, so we'll just refer to that

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1 version.

2 JUDGE MACE: All right. So then I also
3 understand from your e-mail today that you are
4 eliminating from your list of cross exhibits, Staff
5 Cross 3 for Mr. Norwood, Staff Cross 4, and Staff Cross
6 5, which are 15, 16, and 17. Is that right?

7 MR. TROTTER: Yeah, those are DR's 115, 118,
8 and 119.

9 JUDGE MACE: So that when I send you the
10 revised list, those will be eliminated.

11 I also understand, going to Mr. Gruber's list
12 of exhibits that you are eliminating Staff Cross 1 and
13 Staff Cross 2. Those are Avista responses to Staff
14 Request 120 and 121 and are marked as 62 and 63.

15 MR. TROTTER: That is correct.

16 JUDGE MACE: Does anybody have any other
17 changes or corrections to this list?

18 MR. CROMWELL: Yes.

19 JUDGE MACE: Go ahead.

20 MR. CROMWELL: Just for convenience of the
21 record, I think if we go to Mr. Gruber starting at 55,
22 and I haven't gone back and checked the testimonies, but
23 I think 55 should be 55C.

24 JUDGE MACE: That's correct.

25 MR. CROMWELL: 57 should be 57C.

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1 JUDGE MACE: Thank you.

2 MR. CROMWELL: Going to Mr. D'Arienzo, 103
3 should be 103C.

4 JUDGE MACE: Thank you.

5 MR. CROMWELL: 109 should be 109C, and 111
6 should be 111C. Those were just sort of my off the cuff
7 notes.

8 JUDGE MACE: That's good.

9 MR. CROMWELL: I haven't looked at Staff DR's
10 or the company testimony to see whether I have missed
11 any other confidential documents that should have that
12 designation on the exhibit list.

13 JUDGE MACE: I'm just looking right now at
14 Ms. Elder's exhibits, and it looks like her direct
15 Exhibits 252 -- well, no, that's the CV. 253 should be
16 a confidential exhibit, 254, 257, 258. I think that's
17 it.

18 MR. CROMWELL: Exactly.

19 JUDGE MACE: Anybody notice anything else?
20 Some of this we can correct.

21 MR. TROTTER: Yes, Your Honor, on
22 Mr. Parvinen's list you do MPP-1T through MPP-11, and we
23 did have an MPP-12.

24 JUDGE MACE: Oh.

25 MR. TROTTER: I think it was omitted on the

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1 original distribution, and then I think we followed up
2 the next day or the same day, I can't remember, but it
3 is an analysis of capacity release and off-system sales
4 revenues. It was distributed at the same time, but for
5 some reason it's not on your list.

6 JUDGE MACE: You wouldn't happen to have an
7 extra copy of it, would you? If you would bring an
8 extra copy on Monday.

9 MR. MEYER: We have an extra copy here just
10 because we have extra copies.

11 JUDGE MACE: Just because I'm concerned that
12 -- I'm not sure why I don't have it listed. It might be
13 because somehow I failed to put it into my book. Let's
14 deal with it on Monday, because I may have a copy.

15 MR. MEYER: Okay.

16 JUDGE MACE: I will just look again.

17 MR. MEYER: Sure.

18 JUDGE MACE: All right, thank you, so that
19 will become 212, and then I will move the other one, I
20 will change the order so that it includes this exhibit.

21 So you noticed that I marked the exhibits,
22 and that would be the order that I propose or the
23 marking that I propose. Does anybody have any other
24 comments or suggestions about the exhibits?

25 Then I don't have anything else. I could

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1 tell you the usual things. Try not to talk over each
2 other or the witnesses so that the reporter can record
3 all the -- make all of the record. And address your
4 comments to me rather than other counsel. I can't
5 really think of anything else. If you have any
6 concerns, you're welcome to raise them on Monday when we
7 begin, or I will be here a few minutes early, and you
8 can talk to me about them.

9 Then we're adjourned, thank you.

10 (Hearing adjourned at 9:45 a.m.)

11

12 The exhibits were marked as follows:

13

14 KELLY O. NORWOOD - Avista

15 1T KON-1T Direct Testimony

16 2 KON-2 Avista Energy - Management of Gas

17 Procurement Services - Power Point

18 3RT KON-3T - Rebuttal Testimony

19 4 KON-4 Illustration of Gas Procurement Strategy

20 and External Benchmark

21 5 KON-5 Daily Log, February 24, 2004

22 6 KON-6 Benchmark Mechanism Compliance with

23 Commission Policy Statement

24 7 Public Counsel cross 1 - Avista Response to

25 Public Counsel DR 9

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1	8	Public Counsel cross 2 - Avista Response to
2		Public Counsel DR 10
3	9	Public Counsel cross 3 - Avista Response to
4		Public Counsel DR 37
5	10	Public Counsel cross 4 - Avista Response to
6		Staff DR 6
7	11	Public Counsel cross 5 - Avista Response to
8		Staff DR 57
9	12	Public Counsel cross 6 - Avista Response to
10		Staff DR 102
11	13	Public Counsel cross 7 - Avista Response to
12		Staff DR 104
13	14	Staff cross 2 - Avista Response to Staff DR
14		117
15	15	Staff cross 6 - Avista Response to Staff DR
16		122
17	16	Staff cross 7 - Avista Response to Staff DR
18		123
19	17	Staff cross 8 - Avista Response to Staff DR
20		127
21	18	Staff cross 9 - Avista Response to Staff DR 86
22	19	Staff cross 10 - Avista Quarterly Benchmark
23		Reports for 4th Quarter 2002
24	20	Staff cross 11 - Avista Quarterly Benchmark
25		Report for 1st Quarter 2003

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1	21	Staff cross 12 - Avista Quarterly Benchmark
2		Report for 2nd Quarter 2003
3		
4		ROBERT H. GRUBER - Avista
5	51T	RHG-1T Direct Testimony
6	52	RHG-2 Benefits provided to Avista Utility
7		Customers
8	53RT	RHG-3T Rebuttal Testimony
9	54	RHG-4 Staff Response to Avista DR 6
10	55C	RHG-5C Analysis of Operation and
11		Profitability - 80/20 Proposal
12	56	RHG-6 Staff Response to Avista DR 1
13	57C	Public Counsel cross 1 - Avista Response to
14		Public Counsel DR 2
15	58	Public Counsel cross 2 - S&P rates Avista Corp
16		Bonds BBB-minus (September 8, 2003)
17	59	Public Counsel cross 3 - Avista Response to
18		Public Counsel DR 30
19	60	Public Counsel cross 4 - Avista Response to
20		Staff DR 23
21	61	Public Counsel cross 5 - Avista Response to
22		Staff DR 132
23	62C	Staff cross 3 - Avista Response to Staff DR
24		19B C
25	63	Staff cross 4 - Avista Response to Staff DR 95

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1	64	Staff cross 5 - Avista Response to Staff DR 97
2		
3		MICHAEL D'ARIENZO - Avista
4	101T	MED-1T Direct Testimony
5	102RT	MED-2T Rebuttal Testimony
6	103C	MED-3C Volumes from Revised RHG-2
7	104	MED-4 Capacity Releases - Month of June 2003
8	105	MED-5 2002 Avista Energy Weighted Average
9		Transaction Price vs. Gas Daily
10	106	Public Counsel cross 1 - Avista Response to PC
11		DR 16
12	107	Public Counsel cross 2 - Avista Response to PC
13		DR 17
14	108	Public Counsel cross 3 - Avista Response to
15		Staff DR 30
16	109C	Public Counsel cross 4 - Avista Response to
17		Staff DR 51
18	110	Public Counsel cross 5 - Avista Response to
19		Staff DR 53
20	111C	Public Counsel cross 6 - Avista Response to
21		Staff DR 80
22	112	Public Counsel cross 7 - Avista Response to
23		Staff DR 81
24		
25		

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1 113 Public Counsel cross 8 - FERC Staff Discussion
2 on Commission Use of Natural Gas Price Indices
3 (January 15, 2003)
4 114 Public Counsel cross 9 - FERC Staff Report -
5 2003 Natural Gas Market Assessment (January
6 29, 2003)
7 115 Public Counsel cross 10 - FERC Notice of Staff
8 Technical Conference & Workshop on Energy
9 Price Discovery and Indices (May 29, 2003)
10 116 Public Counsel cross 11 - FERC Staff Paper on
11 Price Formation issues (June 13, 2003)
12 117 Public Counsel cross 12 - Staff Response to
13 Avista DR 11
14 118 Staff cross 1 - Avista Response to Staff DR 66
15 119 Staff cross 2 - Avista Response to Staff DR 57
16
17 BRIAN J. HIRSCHKORN - Avista
18 151T BJH-1T Direct Testimony
19 152 BJH-2 Schedule 163 Natural Gas Benchmark
20 Mechanism
21 153 BJH-3 Schedule 163 Natural Gas Benchmark
22 Mechanism
23
24
25

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1		MICHAEL P. PARVINEN - Staff
2	201T	MPP-1T Direct Testimony
3	202	MPP-2 Western North American Gas Pipelines
4	203	MPP-3 January 29, 2003 Staff Open Meeting
5		Memo
6	204	MPP-4 September 2, 1999 letter from Avista
7		to WUTC
8	205	MPP-5 NARUC Resolution Regarding Cost
9		Allocation Guidelines for the Energy Industry
10	206	MPP-6 Avista Corp Response to Staff DR 5
11	207	MPP-7 Avista Corp Responses to Public
12		Counsel DRs 80 and 10
13	208	MPP-8 Estimated Annual Incremental Benefits
14		Associated with Natural Gas Procurement
15		Managed by the Utility v. Avista Energy
16	209C	MPP-9C Calculations and Data Supporting
17		Exhibit MPP-8
18	210	MPP-10 Commission Policy Statement in Docket
19		Nos. UG-940778/UG-970001
20	211	MPP-11 Comparison of Staff's Second and
21		Third Alternative Recommendations to Company
22		Proposal
23	212	MPP-12 Analysis of Capacity Releases and
24		Off-System Sales
25		

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1	213	Avista Cross 1 - Response to Avista Data
2		Request No. 3, Pricing of spot market gas
3		relative to forward markets and first of the
4		month index
5		
6		CATHERINE M. ELDER - PC
7	251T	CME-1T Direct Testimony
8	252	CME-2 CV
9	253C	CME-3C Value of Avista Capacity Releases
10	254C	CME-4C Volumes from Revised RHG-2
11	255	CME-5 Avista Response to Public counsel DR
12		16
13	256	CME-6 Avista Commodity Cost vs. Simple FOM
14		Strategy
15	257C	CME-7C Avista Response to Staff DR 60
16	258C	CME-8C Fuel Management Fee
17	259	CME-9 Capacity Avista Holds for Utility
18		Ratepayers
19	260	Avista cross 1 - Response to Avista Data
20		Request No. 3, Basin Optimization
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