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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of the ) DOCKET NO. UE-180778

Petition of )

5 )

PACIFIC POWER & LIGHT )

6 COMPANY )

)

7 For an Order Approving a )

Change in Depreciation )

8 Rates Applicable to )

Electric Property, )

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PREHEARING CONFERENCE, VOLUME I

11

Pages 1-14

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ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

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December 20, 2018

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9:40 A.M.

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17 Washington Utilities and Transportation Commission

1300 South Evergreen Park Drive Southwest

18 Olympia, Washington 98504

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ALSO PRESENT:

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OLYMPIA, WASHINGTON; DECEMBER 20, 2018

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9:40 A.M.

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P R O C E E D I N G S

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5 JUDGE O'CONNELL: Let's be on the record.

6 Good morning. Today is Thursday, December 20th, 2018.

7 The time is approximately 9:40 a.m. We're here today

8 for a prehearing conference regarding Pacific Power &

9 Light Company's petition for a Commission order

10 approving a change in the company's depreciation rates

11 for electric property, Docket UE-180778.

12 My name is Andrew O'Connell. I am an

13 administrative law judge with the Utilities and

14 Transportation Commission. I will be presiding in this

15 matter along with the Commissioners. After this

16 hearing, I will prepare an order outlining the procedure

17 going forward in this case.

18 To begin, I want to take brief appearances

19 and address the petitions for intervention. Let's begin

20 with Pacific Power.

21 MR. MCVEE: Good morning, Your Honor. Matt

22 McVee for Pacific Power.

23 JUDGE O'CONNELL: And, Mr. Pepple?

24 MR. PEPPLE: Oh, there's no power. Tyler

25 Pepple for the Alliance of Western Energy Consumers.

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1 MS. SUETAKE: Nina Suetake, AAG for Public

2 Counsel.

3 MS. BROWN: Sally Brown, Senior Assistant

4 Attorney General appearing on behalf of Commission Staff

5 along with my AAG colleagues, Christopher Casey and Nash

6 Callahan.

7 JUDGE O'CONNELL: And on the phone?

8 MR. GERHART: Matthew Gerhart, appearing on

9 behalf of Sierra Club, Your Honor.

10 MR. PEPPLE: Your -- sorry, I apologize,

11 Your Honor. I entered my appearance, it's actually, I'm

12 representing Boise White paper in this docket. I

13 apologize.

14 JUDGE O'CONNELL: Thank you for that.

15 MS. BROWN: That could be important.

16 MR. PEPPLE: It's not the first time that's

17 happened.

18 JUDGE O'CONNELL: So I would like to note as

19 a couple of you mentioned, we -- we have lost power to

20 the building. We are running on battery for the

21 transcript, and that will be available. Additionally,

22 because there is no bridge line available, we have made

23 a phone line available for Mr. Gerhart, who is the only

24 person or party that the Commission was aware of who

25 wanted to participate who is not in this room.

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1 To the extent that there were other

2 individuals or entities wishing to participate in this

3 hearing who are unable to access the bridge line because

4 of the power outage to make their petition for

5 intervention, I am going to issue a notice in the docket

6 explaining that the power was out and allowing a brief

7 amount of time for entities to enter petitions to

8 intervene, which I will entertain on a shortened

9 scheduled.

10 To the other petitions for intervention, are

11 there petitions for intervention other than the ones

12 that have been filed in the hearing? Hearing none and

13 seeing no one in the courtroom who is unexpected, we

14 will proceed.

15 I have read the two petitions to intervene;

16 one on behalf of Boise White Paper and one on behalf of

17 the Sierra Club. I am unaware of any written objections

18 to the petitions to intervene. Are there any

19 objections?

20 MR. MCVEE: No objections, Your Honor.

21 MS. SUETAKE: No objections.

22 MS. BROWN: No.

23 JUDGE O'CONNELL: Okay. Hearing no

24 objections, the petitions to intervene will be granted.

25 Mr. McVee, is there a need for a protective

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1 order in this case, and if so, would a -- the

2 Commission's standard protective order suffice?

3 MR. MCVEE: We believe it will. There's a

4 possibility that we'll be asked. We are happy to file a

5 motion if we get a request for information that we

6 consider confidential.

7 JUDGE O'CONNELL: So would you prefer to

8 wait until you get such a request?

9 MR. MCVEE: Actually, yes. We would like to

10 move to have a standard protective order issued.

11 JUDGE O'CONNELL: Okay. Then I will issue a

12 protective order in the coming days. Well, first let me

13 ask, is there any opposing perspective to issuing a

14 protective order?

15 MS. BROWN: No, Your Honor.

16 MS. SUETAKE: No, Your Honor.

17 MR. PEPPLE: No.

18 JUDGE O'CONNELL: Then I will issue a

19 protective order in the coming days.

20 Briefly I want to explain the electronic

21 filing and electronic service here at the Commission.

22 We have new Commission procedural rules. They provide

23 that all filing with the Commission will be electronic

24 and that service of all documents in the case will be

25 electronic from the Commission to the parties and also

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1 from parties to parties.

2 Now, in addition to the electronic filing

3 for the Commission's purposes, we are going to require

4 an original and three paper copies be filed of the fully

5 unredacted versions. If there are confidential versions

6 of testimony or exhibits, please submit the redacted

7 versions electronically only. Those need not be

8 provided in paper.

9 If any party has not yet designated a lead

10 person for service, please do so by emailing me. My

11 email address is andrew.j.oconnell@utc.wa.gov. If there

12 is anyone else, support staff or other representatives

13 that you would like to be included on the master service

14 list, please send that to me by the close of business

15 today. I expect to be able to issue an order containing

16 the procedural guidelines in this case as soon as

17 tomorrow. So I would like to have any additions to what

18 you have already included. So, for example, in the

19 petitions to intervene, I notice that there were support

20 staff and other individuals who were named as should be

21 receiving electronic service in this case, and I have

22 included those already.

23 Okay. I want to address the procedural

24 schedule. I've been provided a proposed procedural

25 schedule by the parties, and my understanding is that

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1 there is consensus on this procedural schedule; is that

2 correct?

3 MR. PEPPLE: I believe that's correct, Your

4 Honor. Would you mind --

5 MS. BROWN: I didn't misrepresent anything

6 or change the date.

7 MR. PEPPLE: I wasn't sure if you gave him

8 the one that we just agreed to.

9 MS. BROWN: Yes, I did.

10 JUDGE O'CONNELL: So I have a copy of it and

11 I'm going to briefly read it into the record because as

12 I note, there have been some changes to the parties'

13 preferences.

14 Starting with the first date, Staff and

15 intervenor response testimony will be May 16, 2019;

16 settlement conference, May 21st, 2019; Company's

17 rebuttal or reply testimony and Staff and intervenor

18 cross-answering testimony, June 27th, 2019; settlement

19 conference, July 11th, 2019; discovery deadline, the

20 last day to issue data requests, July 15th, 2019;

21 cross-examination, exhibits, witness list, and time

22 estimates, July 23rd, 2019; evidentiary hearing,

23 August 1st, 2019; simultaneous opening briefs,

24 August 23rd, 2019; simultaneous response briefs,

25 September 10th, 2019.

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1 I have reviewed the Commission's calendar

2 and the availability of the Commissioners as to this

3 hearing date, and to my knowledge right now, we -- the

4 Commission is available. I will confirm the rest of the

5 schedule with the Commission's calendar, and then I will

6 incorporate it into the prehearing conference order.

7 MR. MCVEE: Your Honor?

8 JUDGE O'CONNELL: Yes.

9 MR. MCVEE: May I ask for one clarification?

10 Just for the -- the June 27th date for the Company

11 rebuttal or reply, I think that would be just Company

12 rebuttal testimony and then Staff and intervenor.

13 JUDGE O'CONNELL: I will make that edit on

14 the procedural schedule that I will issue.

15 MR. MCVEE: Thank you.

16 JUDGE O'CONNELL: I have one other item that

17 I'm aware of before we close this proceeding. During

18 cases at the Commission, I'm aware that parties often

19 request that other parties copy them and -- on data

20 requests and any responses to data requests. I would

21 make this easier on the parties by making that

22 requirement in the prehearing conference order so that

23 you don't have to issue those data requests at the

24 outset. Is there an objection to me including that

25 requirement?

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1 MS. BROWN: No.

2 MS. SUETAKE: No, Your Honor.

3 MR. MCVEE: No, no objection.

4 JUDGE O'CONNELL: Okay. I will include that

5 in my prehearing conference order.

6 Is there anything else that we need to

7 address today?

8 MR. PEPPLE: Your Honor, just one -- one

9 quick thing. I guess we didn't talk about it, but there

10 was an agreement to do a five-business-day turnaround

11 for discovery responses. That was actually identified

12 after the Company's surrebuttal testimony in a

13 five-round option. I guess I would propose that that

14 five-business-day turnaround apply to after the rebuttal

15 and cross-answering testimony.

16 MR. MCVEE: The Company has no objection to

17 that.

18 JUDGE O'CONNELL: The other parties?

19 MS. SUETAKE: No objection.

20 MS. BROWN: Okay. That's acceptable.

21 JUDGE O'CONNELL: And, Mr. Gerhart?

22 MR. GERHART: No objections, Your Honor.

23 JUDGE O'CONNELL: Okay. With that, I will

24 include the five-day -- five-business-day turnaround for

25 responding to data requests after June 27th when the

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1 Company rebuttal testimony and Staff and intervenor

2 cross answering testimony is due. Is --

3 MR. MCVEE: One other thing, Your Honor.

4 Also, for the settlement, is it possible to note that

5 the parties may agree to modify the date for settlement

6 discussions without changing the procedural schedule?

7 JUDGE O'CONNELL: I believe that already

8 under the rules the parties can agree to do that.

9 MR. MCVEE: Thank you, Your Honor.

10 MS. BROWN: Are you saying that because you

11 contemplate or anticipate the slippage of the date?

12 Because the idea is to have a firm date and then gather

13 on that specific day, because if it moves and then it

14 can interfere with preparation of testimony or anything

15 else so...

16 MR. MCVEE: I'm just trying to protect

17 flexibility in the scheduling. There may be something

18 that comes up, and it would be nice to be able to

19 have --

20 MS. BROWN: There's always that option.

21 JUDGE O'CONNELL: And my expectation is that

22 the parties would provide notice to myself and the

23 Commission that they're moving the date of the

24 settlement conference for whatever conflict may arise.

25 MR. MCVEE: Yes, Your Honor.

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1 JUDGE O'CONNELL: Okay. Is there anything

2 else we should discuss? Okay. Hearing nothing, then we

3 will be adjourned today. Thank you for appearing here

4 and dealing with the lack of power. I appreciate it.

5 Mr. Gerhart, thank you for your patience and

6 willingness to be available on the phone.

7 MR. GERHART: Of course. Thank you, Your

8 Honor.

9 MS. BROWN: Thank you.

10 JUDGE O'CONNELL: With that, we'll be off

11 the record.

12 (Adjourned at 9:51 a.m.)

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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