

Docket No. UE-180778 - Vol. I

**In the Matter of the Petition of Pacific Power & Light
Company**

December 20, 2018



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the) DOCKET NO. UE-180778
Petition of)
PACIFIC POWER & LIGHT)
COMPANY)
For an Order Approving a)
Change in Depreciation)
Rates Applicable to)
Electric Property,)

PREHEARING CONFERENCE, VOLUME I

Pages 1-14

ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

December 20, 2018

9:40 A.M.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504

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ADMINISTRATIVE LAW JUDGE:

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OLYMPIA, WASHINGTON; DECEMBER 20, 2018

9:40 A.M.

PROCEEDINGS

JUDGE O'CONNELL: Let's be on the record.
Good morning. Today is Thursday, December 20th, 2018.
The time is approximately 9:40 a.m. We're here today
for a prehearing conference regarding Pacific Power &
Light Company's petition for a Commission order
approving a change in the company's depreciation rates
for electric property, Docket UE-180778.

My name is Andrew O'Connell. I am an
administrative law judge with the Utilities and
Transportation Commission. I will be presiding in this
matter along with the Commissioners. After this
hearing, I will prepare an order outlining the procedure
going forward in this case.

To begin, I want to take brief appearances
and address the petitions for intervention. Let's begin
with Pacific Power.

MR. MCVEE: Good morning, Your Honor. Matt
McVee for Pacific Power.

JUDGE O'CONNELL: And, Mr. Pepple?

MR. PEPPL: Oh, there's no power. Tyler
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. PEPPLER: 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. PEPPLER: 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. PEPPLER: 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.

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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1 CERTIFICATE
2

3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

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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11
12  Tayler Garlinghouse
13 Tayler Garlinghouse, CCR 3358
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