

Docket Nos. UE-170033 and UG-170034  
(Consolidated) - Vol. I

WUTC v. Puget Sound Energy

February 13, 2017



1325 Fourth Avenue • Suite 1840 • Seattle, Washington 98101

**206.287.9066**

[www.buellrealtime.com](http://www.buellrealtime.com)

Olympia | **360.534.9066** Spokane | **509.624.3261** National | **800.846.6989**

email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

---

WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )  
Complainant, )  
vs. ) DOCKET NOS. UE-170033 and  
UG-170034 (Consolidated)  
PUGET SOUND ENERGY, )  
Respondent. )

---

PREHEARING CONFERENCE, VOLUME I  
Pages 1-48  
ADMINISTRATIVE LAW JUDGES DENNIS MOSS & RAYNE PEARSON

---

9:30 a.m.  
February 13, 2017

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

REPORTED BY: TAYLER RUSSELL, CCR 3358

Buell Realtime Reporting, LLC  
1325 Fourth Avenue, Suite 1840  
Seattle, Washington 98101  
(206) 280-9066 | Seattle  
(360) 534-9066 | Olympia  
(800) 846-6989 | National

www.buellrealtime.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

DENNIS MOSS  
RAYNE PEARSON  
1300 S. Evergreen Park Drive SW  
Olympia, Washington 98504  
(360) 664-1610  
rpearson@utc.wa.gov  
dmoss@utc.wa.gov

FOR PUGET SOUND ENERGY:

SHEREE STROM CARSON  
Perkins Coie  
10885 NE Fourth Street, Suite 700  
Bellevue, Washington 98004  
(425) 635-1422  
scarson@perkinscoie.com

FOR THE ENERGY PROJECT:

SIMON FFITCH  
Attorney at Law  
321 High School Road NE  
Suite D3, Box No. 383  
Bainbridge Island, Washington 98110  
(206) 669-8187  
simon@ffitchlaw.com

FOR THE STATE OF MONTANA:

BRIAN T. MORAN  
Orrick, Herrington & Sutcliffe LLP  
701 - 5th Avenue, Suite 5600  
Seattle, Washington 98104  
(206) 839-4419  
brian.moran@orrick.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S (Cont.)

FOR NORTHWEST ENERGY COALITION,  
RENEWABLE NORTHWEST, & NATURAL  
RESOURCES DEFENSE COUNCIL:

AMANDA GOODIN  
Earth Justice  
705 - 2nd Avenue, Suite 203  
Seattle, Washington 98104  
(206) 343-7340  
agoodin@earthjustice.com

FOR PUBLIC COUNSEL:

LISA GAFKEN  
ARMIKKA BRYANT  
Assistant Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, Washington 98104  
(206) 389-2055  
lisaw4@atg.wa.gov  
armikkab@atg.wa.gov

FOR COMMISSION STAFF:

SALLY BROWN  
BRETT SHEARER  
Senior Assistant Attorney General  
PO Box 40128  
Olympia, Washington 98504  
(360) 664-1193  
sbrown@utc.wa.gov  
bshearer@utc.wa.gov

FOR INVENERGY, LLC:

RICHARD H. ALLAN  
Marten Law  
1001 SW Fifth Avenue, Suite 2150  
Portland, Oregon 97204  
(503) 243-2200  
rallan@martenlaw.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S (Cont.)

FOR INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES:

TYLER PEPPLÉ  
Davison Van Cleve  
333 SW Taylor Street, Suite 400  
Portland, Oregon 97204  
(503) 241-7242  
tcp@dvclaw.com

FOR NUCOR STEEL:

DAMON XENOPOLOUS  
Brickfield, Burchette, Ritts &  
Stone, P.C.  
1025 Thomas Jefferson Street NW  
Eighth Floor - West Tower  
Washington, D.C., 20007  
(202) 342-0800  
dex@bbrslaw.com

FOR NORTHWEST INDUSTRIAL  
GAS USERS:

TOMMY BROOKS  
Cable Huston Benedict Haagensen &  
Lloyd  
1001 SW Fifth Avenue, Suite 2000  
Portland, Oregon 97204  
(503) 224-3092  
tbrooks@cablehuston.com

FOR THE FEDERAL EXECUTIVE  
AGENCIES:

RITA LIOTTA  
Office of the General Counsel  
Naval Facilities Engineering  
Command Southwest  
1 Avenue of the Palms, Suite 161  
San Francisco, California 94130  
(415) 743-4702  
rita.liotta@navy.mil

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S (Cont.)

FOR THE SIERRA CLUB:

TRAVIS RITCHIE  
Sierra Club, Associate Attorney  
85 Second Street, Second Floor  
San Francisco, California 94105  
(415) 977-5727  
travis.ritchie@sierraclub.org

--oOo--

1 OLYMPIA, WASHINGTON; FEBRUARY 13, 2017

2 9:30 A.M.

3 --o0o--

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

5  
6 JUDGE MOSS: All right. Let's get started.

7 Good morning, everybody. My name is Dennis Moss and  
8 sitting next to me is Rayne Pearson. We are  
9 administrative law judges with the Washington Utilities  
10 and Transportation Commission, and we are convened here  
11 today, and if I can remember, Dockets UE-170033 and  
12 UG-170034, which is PSE's 2017 general rate case  
13 following on the heels of a several-year hiatus in rate  
14 cases under the great plan we approved -- what year was  
15 that, 2013? I believe so.

16 MS. CARSON: Yes.

17 JUDGE MOSS: Memory has not failed me yet.

18 All right. Well, Judge Pearson and I will  
19 be co-presiding in this proceeding, and indeed, after  
20 appearances this morning, I'm going to turn the floor  
21 over to her to take up the petitions to intervene with  
22 one exception, or three exceptions actually, I'm going  
23 to have a few things to say to the Sierra Club, the  
24 State of Montana, and Invenergy. Other than those  
25 three, I don't feel any particular need to say anything.

1 And, of course, we will find out momentarily whether  
2 there are any objections.

3 But the first order of business will be to  
4 take appearances and we'll start with the Company.

5 MS. CARSON: Good morning, Your Honors.  
6 Sheree Strom Carson with Perkins Coie representing Puget  
7 Sound Energy. Also, Jason Kuzma and Donna Barnett have  
8 appeared in this case, although they are not here today.

9 JUDGE MOSS: Thank you.

10 Mr. ffitch.

11 MR. FFITCH: Good morning, Your Honor.  
12 Simon ffitch representing the Energy Project. Would you  
13 like the full appearance?

14 JUDGE MOSS: No, thanks, as long as you give  
15 the court reporter all the information. I think -- in  
16 fact, in this case, I'm happy to say that almost -- I  
17 believe everyone who's intending to intervene has filed  
18 a petition, and we've had notices of appearances. So  
19 we've got a pretty full set of information, which is  
20 very helpful. Thank you all for that. And we'll just  
21 go around the room in this direction and then we'll pick  
22 up over here, and don't let me forget, and then we will  
23 take anybody who is on the phone.

24 So go ahead.

25 MR. MORAN: Good morning, Your Honor. Brian



1 Moran with Orrick, Herrington representing the State of  
2 Montana.

3 JUDGE MOSS: Okay. Mr. Moran, welcome.

4 MS. GOODIN: Good morning, Your Honors.

5 Amanda Goodin with Earth Justice representing the  
6 Northwest Energy Coalition, Renewable Northwest, and  
7 Natural Resources Defense Council.

8 JUDGE MOSS: Nice to see you again,  
9 Ms. Goodin.

10 MS. GAFKEN: Good morning. Lisa Gafken,  
11 assistant attorney general.

12 JUDGE MOSS: Is your mic on?

13 MS. GAFKEN: It should be, but I might not  
14 be close enough.

15 JUDGE MOSS: There you go.

16 MS. GAFKEN: Good morning. Lisa Gafken,  
17 assistant attorney general with Public Counsel, and also  
18 appearing in this case with me is Armikka Bryant, who is  
19 also an assistant attorney general.

20 JUDGE MOSS: Welcome. This is your first  
21 appearance before the Commission, I believe?

22 MR. BRYANT: No, it's not.

23 JUDGE MOSS: It's not? Okay. Well, it's  
24 your first before me. There you go. Welcome, in any  
25 event.

1 MR. BRYANT: Thank you.

2 MS. BROWN: Sally Brown, senior assistant  
3 attorney general appearing on behalf of Commission  
4 Staff.

5 MR. SHEARER: And Brett Shearer, assistant  
6 attorney general appearing on behalf of Commission Staff  
7 and assistant attorney generals, Jennifer  
8 Cameron-Rulkowski, Jeff Roberson, Andrew O'Connell, and  
9 Chris Casey have also filed appearances in this case,  
10 Your Honor.

11 JUDGE MOSS: All right. And you will all be  
12 active in the case?

13 MR. SHEARER: Yes, to varying extents.

14 JUDGE MOSS: All right. Thank you very  
15 much.

16 All right. Let's shift over to the other  
17 side of the room here.

18 MR. ALLAN: Good morning, Your Honor.  
19 Richard Allan of Marten Law representing Invenergy, LLC.

20 JUDGE MOSS: Mr. Allan, welcome. Is this  
21 your first time before the Commission?

22 MR. ALLAN: Yes, it is.

23 JUDGE MOSS: All right. Welcome.

24 MR. PEPPE: Good morning. Tyler Pepple,  
25 attorney for the Industrial Customers of Northwest

1 Utilities.

2 JUDGE MOSS: Okay. Thank you.

3 Now, do we have counsel on the telephone who  
4 wish to enter appearances today? I think there are  
5 several, actually, who indicated they would be calling  
6 in. Do we have counsel for Kroger? How about Nucor  
7 Steel? Mr. Xenopolous, are you there?

8 MR. XENOPOLOUS: Yes, Your Honor. This is  
9 Damon Xenopolous from Nucor Steel.

10 JUDGE MOSS: All right. Thank you. I don't  
11 know that you'll have any speaking role today, but I'll  
12 tell you that you came through very faintly just now. I  
13 believe the court reporter was able to get your name.  
14 I'll check the spelling with her later. So if you do  
15 speak again, Mr. Xenopolous, speak up a little bit.

16 Let's see, I don't think I heard -- we  
17 didn't hear anything from Cost Management Services. Do  
18 we have a representative from Cost Management?  
19 Apparently not. They filed a petition.

20 Lets see, Mr. -- no, that's not right.  
21 Mr. Ritchie was going to appear by phone, I think. Are  
22 you on the phone?

23 MR. RITCHIE: Yes, Your Honor. This is  
24 Travis Ritchie with the Sierra Club.

25 JUDGE MOSS: All right. Welcome.

1           And let's see. All right. I'll just ask at  
2 this point whether I'm missing anybody else who I didn't  
3 name.

4           MS. LIOTTA: Yes, Your Honor --

5           MR. BROOKS: Good morning, Your Honor --  
6 (Inaudible.)

7           JUDGE MOSS: All right. The two of you were  
8 speaking at the same time. Mr. Brooks, I'll let you go  
9 first for the Northwest Industrial Gas Users.

10          MR. BROOKS: Thank you. Yes, this is Tommy  
11 Brooks and I am on the line.

12          JUDGE MOSS: All right. And, Ms. Liotta, if  
13 you would go ahead and enter your appearance for the  
14 FEA.

15          MS. LIOTTA: Yes, Your Honor. Good morning.  
16 This is Rita Liotta with the Federal Executive Agencies.

17          JUDGE MOSS: Thank you and welcome.

18          MS. LIOTTA: Thank you.

19          JUDGE MOSS: Any others?

20          All right. That will complete our  
21 appearances, then, and we will move on to the business  
22 of the day, and I will turn the floor over to Judge  
23 Pearson at this point.

24          JUDGE PEARSON: Good morning. So with  
25 respect to the petitions for intervention, are there any

1 objections to the petitions for intervention filed by  
2 those parties other than the three that Judge Moss  
3 referenced in his opening remarks?

4 MS. CARSON: Your Honor, the three that were  
5 referenced I believe are the State of Montana, Sierra  
6 Club, and Invenergy; is that correct?

7 JUDGE PEARSON: Correct.

8 MS. CARSON: PSE has no objections to the  
9 others, we do have one caveat. I talked with Ms. Amanda  
10 Goodin from -- who is representing three different  
11 entities, and PSE's concern was that we seem to have a  
12 lot of different groups with similar interests, these  
13 three as well as Sierra Club, all with environmental  
14 focus and interest on coal strip. And so I clarified  
15 that, with respect to those three intervenors, they will  
16 collaborate, coordinate their argument, their  
17 cross-examination, their testimony so that it will --  
18 will be as one as opposed to three different sets of  
19 testimony and argument.

20 Our concern is that it can become burdensome  
21 and duplicative, and I guess we would be interested in  
22 the Commission's, you know, input as to at what point in  
23 time these interests are represented and, you know, how  
24 many different groups might be allowed to intervene to  
25 represent various environmental interests.

1 JUDGE MOSS: All right. Did I understand  
2 you to say, then, that you were talking to the Sierra  
3 Club in terms of its representation being somehow joined  
4 with NWC and RBC and Renewables Northwest or just those  
5 three I just mentioned?

6 MS. CARSON: Just those three. I just  
7 wanted to clarify that there's agreement that those  
8 three will be coordinated throughout the process.

9 JUDGE MOSS: And I understood that by the  
10 joint petition to intervene so...

11 MS. GOODIN: Yes, Your Honor. We are  
12 planning to coordinate throughout with a single set of  
13 briefs, single set of cross-examination. So there's no  
14 issue there.

15 JUDGE MOSS: Thank you. I always appreciate  
16 you saving us 120 pages.

17 MS. GOODIN: Yes, we will do what we can.

18 MS. CARSON: So with that caveat, then, we  
19 have no objection to the remainder of intervenors other  
20 than the three that you mentioned.

21 JUDGE PEARSON: Okay. Thank you.

22 Ms. Gafken.

23 MS. GAFKEN: Public Counsel has no objection  
24 to the petitions entered and the three that were  
25 mentioned.

1 JUDGE PEARSON: Okay. Thank you.

2 MS. BROWN: Neither does Commission Staff,  
3 although we would appreciate the coordination of both  
4 parties.

5 JUDGE PEARSON: Thank you.

6 So hearing no objections to the petitions,  
7 we will grant those petitions to intervene. As Judge  
8 Moss said, it was our understanding that those three  
9 parties would be acting as one in this proceeding.

10 MS. GOODIN: Yes.

11 JUDGE MOSS: All right. With that, let us  
12 take up the three, and I'm singling you three out  
13 because of your special status given your interests  
14 that's stated in your petitions and wanted to speak to  
15 you. And I'll first ascertain whether there is any  
16 objections, in fact, to Sierra Club?

17 MS. CARSON: Your Honor, PSE has tried to  
18 work with Sierra Club for a limited intervention. We  
19 don't object to Sierra Club intervening with respect to  
20 coal strip issues that the Commission can address as an  
21 economic regulator. And that's a similar limitation to  
22 what the -- what was agreed to in the 2011 general rate  
23 case. So if there is agreement on that, then we do not  
24 object to the Sierra Club's intervention.

25 JUDGE MOSS: Mr. Ritchie?

1 MR. RITCHIE: Yes, Your Honor.

2 JUDGE MOSS: Did you hear that?

3 MR. RITCHIE: I did hear that, and I did  
4 speak with counsel for PSE. Sierra Club's intention  
5 with this rate case is to address only issues that are  
6 within the scope of the Commission's jurisdiction, and  
7 so I am -- I'm fine agreeing to that. We understand the  
8 Commission's role as an economic regulator. I  
9 personally have represented Sierra Club before. Many  
10 public utility commissions across the West including the  
11 UTC, most recently in PacifiCorp's general rate case  
12 from last year, and so we're very well versed how those  
13 issues relate to each other.

14 There's the one concern I think I maybe have  
15 in trying to narrow Sierra Club's potential list of  
16 issues ahead of time is that even within that limitation  
17 of the Commission's jurisdiction on economic issues,  
18 there are several potential issues that may come up that  
19 we've just not fully analyzed with our expert yet to  
20 know where that may end. Our primary interest here is  
21 certainly coal strip. The coal strip plan both with  
22 regard to units one and two as well as the depreciation  
23 schedule for units three and four. But we also plan on  
24 looking at issues related to revenue requirement,  
25 impacts that could result from replacement power, and



1 potentially also revenue requirement impacts that could  
2 result from plans for cleanup and site remediation at  
3 the coal strip area.

4           So, you know, we are not looking to go on a  
5 sprawling mission here, but we do want to be able to  
6 have the opportunity to address those issues that are  
7 related to both environmental issues that impact revenue  
8 requirement within the Commission's jurisdiction.

9           JUDGE MOSS: Well, I'm not sure those are  
10 going to be issues in this proceeding. We can talk  
11 about that a little bit, but all we have before us in  
12 terms of coal strip in this case is some talk about  
13 plans for the future. We won't be talking about  
14 replacement power being a part of the Company's power  
15 cost in this case, I don't think. So I'm not sure. It  
16 seems to me that the proper forum for discussing issues  
17 related to the future shifts in power cost requirements  
18 that may eventuate assuming coal strips one and two are  
19 closed or other developments take place in the  
20 environment, is a matter, at this juncture at least, it  
21 would be taken up in the integrated resource planning  
22 process, which I imagine Sierra Club participates in as  
23 well.

24           So let me -- let me hear from Ms. Carson on  
25 this.

1 MS. CARSON: Your Honor, PSE agrees with  
2 that. The replacement power is not an issue in this  
3 case, and we agree that is more appropriately addressed  
4 in IRP.

5 JUDGE MOSS: Okay. Anybody else want to be  
6 heard on the Sierra Club at this juncture? Apparently  
7 not.

8 All right. Well, I am inclined,  
9 Mr. Ritchie, to state at the outset here that I -- my  
10 understanding has been all along, and it's consistent  
11 with your petition, that the Sierra Club's interest, as  
12 you said, your primary interest certainly is coal strip,  
13 and we do believe the Sierra Club will contribute to our  
14 hearing process with respect to that issue.

15 With that idea in mind, I just -- I'm not  
16 going to set any specific limits on you at this juncture  
17 other than to say I'm expecting your focus to remain on  
18 that issue and issues that are directly implicated by  
19 it. And, again, I don't think replacement power is  
20 going to be an issue in this case. There may be others  
21 that I'm not anticipating at this juncture.

22 So as I say, I'm not going to impose some  
23 sort of an arbitrary limit on you in terms of an issue  
24 that might arise that's directly related to the coal  
25 strip discussions that we'll be having through testimony

1 and otherwise. But I think you're comfortable with the  
2 idea that that is the focus of your participation in  
3 this case, are you not?

4 MR. RITCHIE: I am, Your Honor, yes. And to  
5 the extent that -- that I appreciate not putting any --  
6 any limits on ahead of time to the extent that we see  
7 something, we will be sure to address why we believe  
8 it's within the scope and appropriate to address in this  
9 rate case. Fully understanding the difference between a  
10 rate case and a forward-looking IRP process. I think  
11 that works for us, sir.

12 JUDGE MOSS: All right. Very good.

13 All right. Ms. Carson, how about the State  
14 of Montana?

15 MS. CARSON: PSE also discussed with counsel  
16 for State of Montana limited intervention for the State  
17 of Montana. We did have concerns. We do have concerns  
18 that there's not a substantial interest here that the  
19 Commission is authorized to address in terms of the  
20 effect of the closing of coal strip on Montana  
21 residents. But that being said, PSE is willing to agree  
22 to a limited intervention by Montana to address again  
23 coal strip issues that the Commission as an economic  
24 regulator may address. And we did reach agreement with  
25 counsel for the State of Montana to limit their

1 intervention accordingly. So with that limitation, PSE  
2 does not object.

3 JUDGE MOSS: Okay. Any other objections to  
4 the State of Montana?

5 MS. BROWN: This is Sally Brown for  
6 Commission Staff. I just want to make my record that I  
7 think it's abundantly clear that the Commission's  
8 regulatory jurisdiction does not extend to Montana or  
9 the State of Montana. So as you well know, I mean, the  
10 Commission's statutory obligation is to regulate in the  
11 public interest as provided by the public service laws  
12 and the regulated utilities and that impact the rate  
13 payers of the State of Washington, not any other state  
14 in the union.

15 Having said that, the Commission Staff is  
16 not going to object to the State of Montana's limited  
17 intervention in this proceeding, although I would like  
18 to have a commitment from Montana's representative on  
19 the record today that it does not intend to broaden  
20 issues or impair the orderly and prompt conduct of the  
21 proceedings in this case.

22 JUDGE MOSS: We can have that next unless  
23 somebody else wants to be heard on the State of Montana.

24 Ms. Gafken, do you have a word?

25 MS. GAFKEN: I do have a word. I do agree

1 with the points that Ms. Brown brought up and also  
2 Ms. Carson with respect to the limits that the  
3 Commission has in terms of what they can address and the  
4 substantial interest that Montana presented in their  
5 petition. I guess one thing I want to know is of course  
6 the Commission has a great deal of discretion in terms  
7 of whether they grant a petition for intervention, and  
8 the Commission does tend to view the standards broadly.  
9 So I recognize that, but I would also stress that there  
10 can be limits placed on an intervention, and this is a  
11 case where limits would be appropriate.

12           So Public Counsel does have some concerns  
13 that Montana does not meet the standards for  
14 intervention either under the public interest prong or  
15 the substantial interest prong. But understanding that  
16 the Commission does have wide latitude there.

17           JUDGE MOSS: Thank you.

18           Anybody else want to be heard on this?

19           All right. Let's hear from the State of  
20 Montana.

21           MR. MORAN: Thank you, Your Honor. Brian  
22 Moran for the State of the Montana. We certainly don't  
23 intend to bring this to a disorderly or inefficient  
24 process, so we take counsel's cautions to heart and will  
25 certainly play by those rules. The Commission does have

1 broad discretion. You know, there are decommissioning  
2 and remediation issues. They're more direct, less  
3 tangential. We certainly understand the limits of the  
4 regulatory body's authority on Montana residents, but we  
5 do think with the discretion that Montana does have a  
6 dog in this fight, to be colloquial, and we ask that you  
7 use your authority to grant us the limited intervention  
8 as outlined by Ms. Carson.

9 JUDGE MOSS: All right. Well, with the  
10 exception to the fact that I don't like your colloquy  
11 because I don't like to think of this as a dog fight,  
12 rather I'd like to think of it as a concerted  
13 professional effort to address the issues that are  
14 before us. And I think that you used the right word at  
15 the same time which is say cautions, both with respect  
16 to the Sierra Club and also with respect to the State of  
17 Montana.

18 That was my purpose in speaking to you all  
19 today was to say I do want you to be cautious as you  
20 proceed and to understand that there are procedural --  
21 and I know you know this -- but there are procedural  
22 devices that other parties may use if they feel that you  
23 are straying into territories where you should not  
24 stray. And, of course, we will be careful to maintain  
25 good order in the proceeding and keep people within the

1 bounds that they should be kept so as to avoid any --  
2 any disruptive activities.

3 I don't anticipate that at all. I just  
4 think it's important at our first prehearing conference  
5 to sort of get the ground rules straight, if you would.  
6 And, Ms. Carson, I understood you to say that you've had  
7 this conversation with Mr. Moran or his colleagues and  
8 everybody seems to be on the same page.

9 That's right, Your Honor.

10 MS. CARSON: Correct, Your Honor.

11 JUDGE MOSS: I could see you were distracted  
12 there. Thank you very much.

13 And then last we have Invenergy, and I do --  
14 oh, one more thing about the State of Montana. Somebody  
15 made a comment about the substantial interest and the  
16 public interest. I do agree that there is not a -- the  
17 State can't -- would have a very difficult time  
18 exhibiting a substantial interest in the proceeding  
19 being a foreign entity as it were. But I think we did  
20 talk about this internally, and I think the public  
21 interest will be served by Montana's participation so --  
22 and also, of course, by the public interest groups such  
23 as the Sierra Club and the others who are participating.  
24 So I did want to say that.

25 Now I will turn to Invenergy. I think we

1 have here a certain difference in terms of your status.  
2 You are an independent power producer as I understand  
3 it, and your interest in the proceeding as I read  
4 through the lines of your petition is basically that  
5 maybe you would like to sell some power or a power plant  
6 or something like that to PSE some point in the future  
7 when they have to replace power from a facility such as  
8 coal strip that they may shut down at some point in the  
9 future.

10 So having said that and also that -- that I  
11 don't see a particular public interest prong here, I  
12 want to give you an opportunity to convince me that  
13 there is something more to -- that meets this eye here,  
14 and we'll also hear from counsel with whether there are  
15 any objections. But I want to give you a chance as a  
16 petitioner to speak first.

17 MR. ALLAN: Yes, Your Honor. I appreciate  
18 it. Richard Allan for Invenergy. To clarify, Invenergy  
19 also is a customer of PSE. Invenergy purchases  
20 electricity from PSE at its vantage substation. So we  
21 are -- we aren't simply a generator or an independent  
22 power producer. We are also a customer of PSE that  
23 could conceivably be impacted by whatever the economic  
24 outcome is from decisions that are made with respect to  
25 coal strip one and two.



1           That said, we also are -- feel we do have an  
2 interest in understanding and making sure that  
3 assumptions with respect to retirement and  
4 decommissioning costs of coal strip one and two are  
5 accurate because they ultimately -- and decisions that  
6 are made with respect to that -- that facility  
7 ultimately do impact on Invenergy's energy and  
8 generating assets.

9           JUDGE MOSS: Or may.

10          MR. ALLAN: May.

11          JUDGE MOSS: Okay. And what's your status  
12 as a customer? Are you a marketer or do you actually  
13 use electricity that you purchase from PSE for your own  
14 business?

15          MR. ALLAN: Your Honor, I am not clear on  
16 that.

17          JUDGE MOSS: Okay. All right. Well, let's  
18 hear from the Company and see if we have any objection  
19 first from the Company and then we'll ask the other  
20 parties.

21          MS. CARSON: Your Honor, PSE does object to  
22 Invenergy's intervention. The intervention was just  
23 filed Friday afternoon. We did not file any  
24 counterresponse, but we do have concerns that Invenergy  
25 has not demonstrated a substantial interest. It's not

1 clear to me what type of a customer Invenergy is and  
2 maybe takes power -- may be out of the open-access  
3 transmission tariff may relate, but it's not clear to  
4 me. That wasn't really mentioned in their petition to  
5 intervene.

6 We do have concerns that the substantial  
7 interest goes to PSE's customers and independent power  
8 producers who want to sell power to PSE, that they are  
9 not regulated by the Commission. There is not an  
10 interest that the Commission is authorized to consider  
11 under the substantial interest test based on prior  
12 Commission decisions and court decisions.

13 So we do have concerns about this. As Your  
14 Honor previously noted, replacement power is not an  
15 issue in this case so -- and even when it is, we don't  
16 typically have independent power providers who intervene  
17 in the cases. So we do object to this intervention.

18 JUDGE MOSS: All right. Does anybody else  
19 want to be heard on this?

20 Ms. Gafken.

21 MS. GAFKEN: I'll just weigh in briefly. In  
22 looking at the -- first of all, I will start with Public  
23 Counsel has no particular objection to Invenergy's  
24 petition for intervention. In looking at it, it seemed  
25 to me like it was similar to petitions that were filed

1 in other recent dockets by the Northwest & Intermountain  
2 Power Producers Coalition, NIPPC, or Columbia Rural  
3 Electric Association, CREA, and Yakima Power in recent  
4 dockets dealing with Microsoft and their request to go  
5 to the open-access tariff, NIPPC petition that was  
6 Docket UE-16113 -- I think 23, 161123, and then the  
7 PacifiCorp's Schedule 300, which is Docket UE-161204.  
8 Based on the similarities that seem to be there, Public  
9 Counsel doesn't have any objections.

10 JUDGE MOSS: Okay. Well, we are familiar,  
11 of course, with the cases to which you refer, but I note  
12 there is a somewhat what of a -- what I think is perhaps  
13 an important distinction, and that is that the  
14 organizations CREA and NIPPC are just that, they're  
15 organizations. They're trade groups. Their status is  
16 somewhat different where we might find the public  
17 interest, for example, and participation by such groups.  
18 It's a bit more of a stretch to find that for someone  
19 who's in the business of buying and selling power,  
20 producing power, that sort of thing.

21 It's been a long time since I've had an  
22 independent power producer try to come into a Commission  
23 proceeding. I don't have a strong recollection one way  
24 or the other of that ever having been allowed, and I  
25 know the Commission doesn't have a completely uniform

1 history with these sorts of things.

2 So does anybody else want to be heard?

3 MS. GAFKEN: I guess the only other thing I  
4 would add is along the lines of what I was saying  
5 earlier is the limitations, if their petition was  
6 granted, then certain limitations could be appropriate.

7 JUDGE MOSS: Sure.

8 Anybody else? Ms. Carson?

9 MS. CARSON: Yeah, it is true in some of  
10 those cases, for example, the current ongoing case with  
11 NIPPC, they were allowed to intervene, but the  
12 Commission did find that there was not a substantial  
13 interest. And so it was justified based on the public  
14 interest, and it's not really clear to me in this case  
15 what Invenergy would contribute to the public interest  
16 on the issue of coal strip that isn't already addressed  
17 by the many different parties that are in this case at  
18 this point in time.

19 JUDGE MOSS: All right. Thank you for that.

20 All right. So we will give you -- we will  
21 give you one last word on this, and then I will make a  
22 ruling.

23 MR. ALLAN: One thing that -- Your Honor,  
24 that Invenergy does have that the other intervenors  
25 concerned with coal strip don't have is the experience

1 of actually operating power plants and, you know, to the  
2 extent that there is public interest to be served, I  
3 think public interest would be served by having another  
4 entity that actually is in the business be able to  
5 provide information and to cross-examine on the issues  
6 related to the actual operation, decommissioning, and  
7 the associated costs.

8 JUDGE MOSS: All right. Thank you,  
9 Mr. Allan. I think on balance, it -- our interests are  
10 better served by denying your petition to intervene.  
11 While I recognize that you have an interest, that is to  
12 say you are in the business, I don't think it is a  
13 substantial interest in what we will be doing in this  
14 proceeding, nor do I think it would be particularly in  
15 the public interest.

16 The public interest is well-represented here  
17 not only by some of the intervenor groups who are  
18 representing perhaps environmental interests and that  
19 sort of thing, but also by our own Commission Staff.  
20 Our Staff is the representative of the public interest,  
21 so we tend to have less of a concern in terms of full  
22 participation because of that.

23 I do invite you to follow the proceeding,  
24 and all counsel should know and you included, Mr. Allan,  
25 you can only talk to us about procedural matters. But

1 if you have procedural questions along the way, and in  
2 your case, perhaps questions about the status of  
3 something in the case at any given point in the future,  
4 you can contact us by phone or email. I do ask if you  
5 contact us by email, that you copy the parties so that  
6 there is no question of an ex-parte contact or someone  
7 wants to raise a concern about that, they can know that  
8 there's been a contact and raise that concern. Everyone  
9 here should be, and I'm sure is, familiar with our  
10 ex-parte rule both under the Administrative Procedures  
11 Act as a matter of statute and under our own procedural  
12 rules. So I'm sure everybody will be cautious about  
13 that.

14 I don't think I've ever had a call from  
15 counsel that didn't begin with, Judge Moss, can we talk  
16 about a procedural issue, and then they launch into some  
17 substantial question and make me angry, but that's okay.  
18 We've managed to get through that over all these years  
19 and I think we'll get through it again.

20 So I believe with that, that completes our  
21 business in terms of petitions to intervene, and I'm  
22 sure everyone will be happy, I'll be glad to stop  
23 talking now and turn the floor back over to Judge  
24 Pearson.

25 JUDGE PEARSON: Thank you. So we have

1 already entered a standard protective order with highly  
2 confidential provisions in this proceeding and have made  
3 the discovery rules available to the parties. So that  
4 brings us to the issue of service, and many of you have  
5 consented to electronic service in the documents that  
6 you filed with the Commission. But for the record  
7 today, I will ask each of you to confirm whether you  
8 consent to electronic service if the Commission decides  
9 to serve documents electronically.

10 We can begin with the Company and go around  
11 the room.

12 MS. CARSON: Yes, the Company will agree to  
13 electronic service.

14 JUDGE PEARSON: Thank you.

15 MR. FFITCH: The Energy Project agrees to  
16 electronic service by the Commission.

17 JUDGE PEARSON: Thank you.

18 MR. MORAN: The State of Montana agrees to  
19 electronic service.

20 JUDGE PEARSON: Thank you.

21 MS. GOODIN: The Energy Coalition, Renewable  
22 Northwest, and NRDC agree to electronic service.

23 MS. GAFKEN: Public Counsel also agrees to  
24 electronic service from the Commission.

25 JUDGE PEARSON: Thank you.

1 MR. SHEARER: And Commission Staff also  
2 agrees to electronic service from the Commission.

3 MR. PEPPLER: ICNU agrees as well.

4 JUDGE MOSS: Okay. Want to take the total  
5 on the phone there?

6 JUDGE PEARSON: Yes. The Federal Executive  
7 Agencies?

8 MS. LIOTTA: Yes, FEA agrees to electronic  
9 service.

10 JUDGE PEARSON: Okay. And Northwest  
11 Industrial Gas Users?

12 MR. BROOKS: Yes, we will consent to  
13 electronic service.

14 JUDGE PEARSON: And ICNU?

15 MR. PEPPLER: That was me.

16 JUDGE PEARSON: Oh, sorry.

17 Nucor Steel.

18 MR. XENOPOLOUS: Yes, Nucor Steel consents  
19 to electronic service from the Commission. Thank you.

20 JUDGE PEARSON: Okay. And the Sierra Club?

21 MR. RITCHIE: Yes, Sierra Club consents to  
22 electronic service from the Commission and all parties  
23 and enthusiastically prefers electronic service.

24 JUDGE PEARSON: Okay. Thank you. I think  
25 that was everyone.



1           So that brings us to the schedule. Staff  
2 provided a proposed procedural schedule to us prior to  
3 the hearing, and I notice that the suspension date is  
4 December 13th, 2017. Do all the parties agree that  
5 that's the correct suspension date?

6           MS. CARSON: Yes, Your Honor.

7           JUDGE PEARSON: Okay. So do the parties  
8 need a recess to discuss scheduling or has this already  
9 been discussed?

10          MR. SHEARER: We've discussed it via email  
11 to the extent we can discuss it. So we may as well go  
12 forward.

13          JUDGE PEARSON: Okay. So you want to take a  
14 recess, then?

15          MR. SHEARER: That's up to you, Your Honor,  
16 but I'm sure there will be some tinkering, but I don't  
17 think there's a lot of progress to be made among the  
18 parties anymore by ourselves.

19          JUDGE PEARSON: I see. Okay.

20          JUDGE MOSS: Now, you have these hearing  
21 dates that are on here.

22          Do you have this, Ms. Carson?

23          MS. CARSON: I do, and we do have a few  
24 suggested changes.

25          JUDGE MOSS: Well, sure, sure. I don't have

1 a problem with that, but I wanted to start by saying we  
2 did have a discussion internally on the subject of  
3 hearing dates and we're pretty fixed on these. So are  
4 the question of working around that, those dates, unless  
5 there's an irreconcilable conflict that you can bring to  
6 our attention?

7 MS. CARSON: No, there's not. PSE was  
8 interested in potentially starting the hearing on the  
9 29th instead of the 28th because the cross-exam exhibit  
10 date got pushed back to the 24th, and it does not give  
11 much time for parties to -- for witnesses and attorneys  
12 to review the cross-exam exhibits. And, of course,  
13 that's also always primarily an issue for PSE because,  
14 you know, we get hit with a lot more cross-exam exhibits  
15 than the other parties. So we were open to considering  
16 starting the 29th and continuing on through that week to  
17 the extent necessary. I understand there's an open  
18 meeting I think the -- that Thursday, so perhaps in the  
19 afternoon on Thursday and then continuing on Friday.

20 JUDGE PEARSON: Okay. So that will work for  
21 the Commission. As far as the Commissioners' schedules,  
22 we had that whole week blocked off in the event that it  
23 was needed. So does Staff have any objection to  
24 starting the hearing on the 29th?

25 MR. SHEARER: No objection from Staff.

1 JUDGE PEARSON: Okay.

2 JUDGE MOSS: Mr. ffitch has something.

3 MR. FFITCH: Your Honor, just in that vein,  
4 perhaps our request has already been granted, but we  
5 were going to request that the hearing be formally --  
6 the hearing dates actually formally include the 31st and  
7 perhaps even Friday, the 1st because we have a witness  
8 who would only be available on those days so that would  
9 be helpful to the Energy Project.

10 JUDGE PEARSON: Okay. That sounds good. We  
11 can certainly do that, and we can schedule it for the  
12 afternoon of the 31st or whenever the open meeting  
13 concludes with a short break. Whatever works for the  
14 parties.

15 Anyone else?

16 MS. GAFKEN: Yes, I have one thing. I have  
17 mentioned this to the parties, but we have a witness  
18 that has a hearing in Arkansas on the 30th. And so  
19 travel could be a little tricky if we start on the 29th,  
20 I think we're willing to do that with the understanding  
21 that we may be coming to the parties and the Commission  
22 with a proposal on how to deal with that witness in  
23 either getting her here or not. But maybe video or  
24 something along those lines, but I think there's enough  
25 dates that are in play that we can work with this.

1 JUDGE MOSS: Yeah, that's a long way off.

2 MS. GAFKEN: That too.

3 JUDGE MOSS: Yeah, and we don't know at this  
4 juncture how extensive the hearing will need to be. In  
5 recent periods, the practice seems to have been for  
6 counsel to do, shall we say, more focused  
7 cross-examination. That has sometimes been true in  
8 earlier years, and so our hearings have gone down to two  
9 days and three days, that sort of thing.

10 I forget the exact number, but I think PSE  
11 has something like 20 witnesses or something like that.  
12 Pretty close to that number, and I'm looking at the  
13 number of intervenors and thinking well, one and a half  
14 witnesses on average, and we're probably looking at 40  
15 witnesses in this case. So that's quite a number  
16 relative to what we normally have, and I'm sure there  
17 will be waiver for some of those. Still, we may need to  
18 spill over, so everybody needs to arrange their personal  
19 schedules to accommodate that. I know I will arrange  
20 mine that way and forgo my vacation plans as usual.  
21 Just kidding.

22 JUDGE PEARSON: Okay. So is there anything  
23 further with respect to the schedule?

24 MR. SHEARER: Yes, Your Honor. Staff had a  
25 question. We've discussed among the parties a date

1 that's on this, April 3rd, 2017, which is labeled "PSE  
2 supplemental testimony." Staff is still a little  
3 unclear as to what that will be and why PSE would need  
4 that opportunity. So we're happy to let PSE try to  
5 clarify that for us if we can on the record.

6 MS. CARSON: Certainly. PSE has in its past  
7 general cases and power cost only rate cases submitted  
8 supplemental testimony. Primarily one of the main  
9 issues is to update power costs, and we did that  
10 in 2009, 2011, 2013, and '14 precourse. The Commission  
11 had at one time expressed a desire that its such  
12 supplemental filing be provided with ample time for  
13 other parties to review it before their response  
14 testimony is due. And so in 2011, we started doing that  
15 as part of the procedural schedule.

16 But it also sets a date if there's any, you  
17 know, corrections or numbers that were estimates that  
18 have become known and measurable that we can update that  
19 and give other parties sufficient time to audit the  
20 information. But primarily its updating power costs.  
21 The power costs projections for the filed case I believe  
22 used the forward natural gas prices for a period for  
23 September 2016, and this would be updated by four or  
24 five months. So that's -- we're just doing what we've  
25 done for several cases in the past.

1 JUDGE PEARSON: Okay.

2 MR. SHEARER: We're still a little unclear  
3 about a power cost update in April and the need for  
4 that. And will it not be updated again later in the  
5 case? And if I -- just make sure we understand  
6 correctly that PSE believes updates to be known as just  
7 numerical updates. You know, we're not going to get 75  
8 pages of supplemental testimony or something along those  
9 lines.

10 MS. CARSON: No.

11 MR. SHEARER: That's obviously a Staff  
12 concern.

13 MS. CARSON: That hasn't been the case in  
14 the past with significant amount of testimony. There  
15 won't be a change in the methodologies. It will just be  
16 refreshing numbers. And we have in some cases updated  
17 supplemental testimony power cost, and then again in  
18 rebuttal, just really depending on what's happening with  
19 power costs. But, you know, that's -- that's up to the  
20 Commission. If the Commission doesn't want us to update  
21 again in rebuttal, we certainly don't need to.

22 JUDGE MOSS: Let me just interject here that  
23 I appreciate your last comment because we have been  
24 having some internal discussions about the subject of  
25 power cost updates. In recent cases, we've had power

1 cost updates in rate cases and sometimes multiple power  
2 cost updates, and sometimes very near the end of the  
3 case, and in some instances per a request to do it after  
4 the end of the case and so forth and so on.

5 The practice of doing power cost updates in  
6 general rate cases came into being in a time when power  
7 costs were high and volatile, and it was an appropriate  
8 thing to do. It often saved the customers a lot of  
9 money when we were able to update the power cost in a  
10 period when gas prices were flying or what have you,  
11 but, of course, there was the double threat there that  
12 might go the other way. We've had fairly stable gas  
13 prices and other fuel source prices, electric prices  
14 relatively speaking during more recent periods.

15 So I think it will be a case of -- it's all  
16 well and good to file supplemental testimony and to plan  
17 to do that, but I think the parties need to be aware  
18 that certainly the further out anybody wants to go with  
19 that, it's going to be subject to objection from other  
20 parties, and it may even be something that the  
21 Commission itself decides it's not something we want to  
22 do. So just a caution in that regard. And I don't want  
23 to refer to specific recent cases, but it can become  
24 disruptive at the end of a case, and so we don't want to  
25 let that happen here. Have I been muddy enough about

1 that?

2 Thank you, Ms. Brown. I appreciate the  
3 confirmation.

4 MS. BROWN: I like mud.

5 MS. CARSON: Well, that is why we proposed  
6 it early in April.

7 JUDGE MOSS: Yeah, and I don't want to  
8 discourage you from doing it that early. That still  
9 gives the responsive parties three months and, of  
10 course, if you file it and they don't like, they can  
11 object to it even then or just as they can object to  
12 your original testimony and ask me to strike -- or ask  
13 us to strike portions of that. I mean, this is, you  
14 know, we play -- we play by the rules and we give  
15 everybody the full opportunity to do what they need to  
16 do to represent the interests of their clients. So  
17 having said all of that, I will be quiet again. Thank  
18 you.

19 MR. SHEARER: Thank you. With those  
20 clarifications from Ms. Carson and Judge Moss, Staff has  
21 no objection to including April 3rd on the schedule, and  
22 we appreciate the parties having that discussion on the  
23 record.

24 JUDGE PEARSON: Okay. Is there anything  
25 else with respect to the schedule?



1 MS. CARSON: Your Honor, PSE does have one  
2 other request for a change. The settlement conference  
3 number two, July 25th, falls at a time of a NARUC  
4 meeting, I believe. And so some people will not be  
5 available, and we would like to move it up. Didn't have  
6 a chance to talk with other parties about this, but I  
7 would think maybe earlier in July would work. And I  
8 don't know that we have to come up with that date today,  
9 but anyway, July 25th isn't a good date.

10 JUDGE PEARSON: Okay. As long as we have  
11 the first settlement conference schedule and then the  
12 prehearing conference, that's fine, and the parties can  
13 determine at a later date when the second one will be  
14 held.

15 MR. SHEARER: Yes, Staff has no objection to  
16 that.

17 JUDGE PEARSON: Okay.

18 MR. SHEARER: Sounds like a good plan.

19 JUDGE PEARSON: Ms. Gafken, did you have  
20 something to add?

21 MS. GAFKEN: Yes, I have two things. I just  
22 wanted to put in a plug for two public comment hearings  
23 in this matter. I see that it's on the draft that's up  
24 there. I just wanted to verbalize that for the record.  
25 We're proposing, and Olympia and Bellevue, I understand

1 those are two places where PSE general rate cases and  
2 comment hearings have been held before. That seems to  
3 work well. I proposed a couple of weeks there that  
4 hopefully will work with the schedule.

5 The other thing that I wanted to note that's  
6 not on there and that's the customer notice report  
7 that's generally about a month or so after the  
8 prehearing conference, and that's a letter usually that  
9 Public Counsel will file alerting the Commission about  
10 the status of the customer notice that goes in with the  
11 bills and informs them about the rate case. I have  
12 talked to the Company, and it looks like a slightly  
13 longer time period will be needed in this case.  
14 Primarily because lots of files happen in the month of  
15 March for the Company, and so we've talked about having  
16 that report due on April 12th.

17 JUDGE PEARSON: Can you tell me the name of  
18 it one more time?

19 MS. GAFKEN: Sure, the customer notice  
20 report.

21 JUDGE PEARSON: Customer notice report,  
22 okay. All the other parties are okay with that?

23 JUDGE MOSS: I used to not let Mr. ffitch do  
24 this to our procedural schedule, but Ms. Gafken thinks  
25 it's matured around here I guess, so...

1 JUDGE PEARSON: Okay. Anything else?

2 MR. FFITCH: May I just have a moment, Your  
3 Honor, to confer with counsel? We have nothing further,  
4 Your Honor. Thanks.

5 JUDGE PEARSON: Okay. Thank you.

6 So we appreciate the parties coming to us  
7 with this schedule and we will adopt it in the  
8 prehearing conference order with the modifications.

9 MR. SHEARER: We did have one more  
10 administrative question. I guess I've learned from my  
11 colleagues it has become recent practice to stipulate to  
12 the standard first DR that all the parties serve each  
13 other. It struck me that that might be a good idea in  
14 this case, given that we have so many intervenors, you  
15 know, please provide copies of any and all of your  
16 requests and responses to all the parties.

17 JUDGE MOSS: Instead of having to do the DR  
18 asking for exactly the same thing.

19 MR. SHEARER: Exactly. So if everybody is  
20 willing, all the parties are willing to stipulate to  
21 that now, that would be helpful. Save everybody ten DRs  
22 from going out to each other.

23 JUDGE PEARSON: Okay. That sounds good.

24 MR. SHEARER: If you're willing to ask.

25 JUDGE PEARSON: Sure, parties want to

1 respond to that?

2 MS. GAFKEN: Public Counsel supports that  
3 request.

4 JUDGE PEARSON: Mr. ffitch?

5 MR. FFITCH: We have no objection to that,  
6 although it plays havoc with our embedded numbering  
7 templates for our system. One must change with the  
8 times and save paper. And after this matter, I did  
9 think of one other minor administrative issue to raise.

10 JUDGE PEARSON: Okay. Ms. Goodin?

11 MS. GOODIN: We also support that request  
12 and would request electric service of those copies as  
13 well if possible from other parties.

14 JUDGE PEARSON: Okay. Mr. Moran?

15 MR. MORAN: We support the request, Your  
16 Honor.

17 MS. CARSON: PSE doesn't object to the  
18 request.

19 MR. PEPPLER: ICNU supports the request.

20 JUDGE PEARSON: Okay. And for those on the  
21 phone.

22 MR. XENOPOLOUS: Nucor has no objection,  
23 Your Honor.

24 JUDGE PEARSON: Okay. Thank you.

25 MR. BROOKS: No objection from NIGU.

1 MS. LIOTTA: FEA has no objection either.

2 MR. RITCHIE: Sierra Club supports the  
3 request.

4 JUDGE PEARSON: Okay. Thank you.

5 JUDGE MOSS: Well, you all be thinking about  
6 during the course of discovery in this case, the  
7 proposal that I made years ago and it never went  
8 anywhere that -- and that was to come up with some means  
9 to have a common site for discovery so that you don't  
10 have to have all this back and forth and back and forth,  
11 but everybody can find access to the same site and  
12 discovery can all be available in one place. And, of  
13 course, in our electronic age, this is increasingly  
14 possible to do and easy to do for everybody except me,  
15 and I'm not involved in the discovery process so that  
16 doesn't matter.

17 BPA has done this for years and it seems to  
18 work very, very well in their proceedings. The only one  
19 I was ever involved in was 17 or 18 years ago when there  
20 were 68 parties and it works pretty well. I don't think  
21 I had a single problem while I was presiding in the  
22 case, and it went real well.

23 MS. CARSON: Your Honor, PSE did make such a  
24 site available in a current case before the Commission,  
25 and many parties very much appreciated that and some

1 parties objected to that. I believe Commission Staff or  
2 some members of Commission Staff were not comfortable  
3 with that. We certainly would endorse that. It saves a  
4 lot of time and email correspondence, and we think it's  
5 a good solution.

6 JUDGE MOSS: Okay. Well, I think it's  
7 probably best left to the parties to work that sort of  
8 thing out among themselves rather than us trying to  
9 dictate something from the bench. But I did want to  
10 raise the idea again. Thank you for making that point.  
11 Perhaps you can have some further discussions and make  
12 some progress in this direction.

13 MS. BROWN: I just want say that it does  
14 raise issues with regard to compliance with the State's  
15 Public Records Act and the Records Retention Act. We  
16 have a special database that files within the utility.

17 JUDGE MOSS: Okay. Thank you.

18 JUDGE PEARSON: Okay.

19 JUDGE MOSS: It's the virtue of having the  
20 head of the division appearing in the case. Gives you a  
21 broader perspective on things.

22 JUDGE PEARSON: Okay. So for filing, so we  
23 took a count and we will need an original plus 11 copies  
24 for internal distribution at the Commission. And if  
25 filings include information designated as confidential

1 or highly confidential, file the original and 11 copies  
2 of the fully unredacted version, an original and one  
3 copy of any partly redacted version, and an original and  
4 one copy of the fully redacted version. So we will  
5 require you to submit a witness list showing order of  
6 presentation, time estimates for cross-examination of  
7 each witness, and cross-examination exhibit list shortly  
8 before the evidentiary hearings, and we will exchange  
9 cross-examination exhibits prior to the hearing and take  
10 up any other business that will maximize efficiency at  
11 the hearing such as stipulating to the admission of  
12 testimony and exhibits.

13           And if any party has not yet designated a  
14 lead representative for service, please do so via an  
15 email to Judge Moss and myself as soon as possible. And  
16 if anyone would like to add names and email addresses of  
17 other representatives or support staff who should  
18 receive electronic courtesy copies of all documents  
19 filed in this proceeding, please email that to us as  
20 well.

21           Is there anything else that we need to  
22 address while we're here today? Okay. Hearing nothing,  
23 just want to thank the parties for all coming and  
24 participating today, and we will issue an order  
25 reflecting what was discussed here today, and we are

1 adjourned. Thank you.

2 (Adjourned at 10:23 a.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Russell, a Certified Shorthand 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.

\_\_\_\_\_  
Tayler Russell, CCR