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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 WASHINGTON UTILITIES AND )

TRANSPORTATION COMMISSION, )

5 )

Complainant, )

6 )

)

7 vs. ) Docket No. UE-161204

)

8 PACIFIC POWER & LIGHT )

COMPANY, )

9 )

Respondent. )

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PREHEARING CONFERENCE, VOLUME I

12

Pages 1-28

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ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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December 20, 2016

16

9:30 a.m.

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18 Washington Utilities and Transportation Commission

1300 South Evergreen Park Drive SW

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24 ARIEL SON, Pacific Power

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1 OLYMPIA, WASHINGTON; DECEMBER 20, 2016

2 9:30 A.M.

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P R O C E E D I N G S

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6 JUDGE PEARSON: Good morning. Let's be on

7 the record in Docket UE-161204, caption, Washington

8 Utilities and Transportation Commission versus Pacific

9 Power and Light Company, which is a tariff revision

10 filed by Pacific Power to modify its existing tariff

11 governing permit, disconnection, and removal procedures.

12 Today is Tuesday, December 20th, 2016, at

13 approximately 9:30 a.m., and we are here for a

14 prehearing conference to discuss scheduling and other

15 procedural issues. My name is Rayne Pearson. I'm the

16 administrative law judge presiding over this case.

17 So let's get started by taking appearances

18 beginning with the Company. I will take a full

19 appearance from the Company, and then I will take short

20 appearances from Staff and Public Counsel.

21 MR. TILL: Dustin Till appearing on behalf

22 of PacifiCorp.

23 JUDGE PEARSON: Okay. Can you spell your

24 last name for the record and give us your address, phone

25 number.

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1 MR. TILL: Right. Last name is Till, T as

2 in Tom, i, double l, with Pacific Power. It's 825

3 Northeast Multnomah Street, Suite 1800, Portland,

4 Oregon, 97232.

5 JUDGE PEARSON: And what's your title,

6 Mr. Till?

7 MR. TILL: I'm senior counsel.

8 JUDGE PEARSON: Thank you.

9 For Staff?

10 MR. CASEY: Christopher Casey, assistant

11 attorney general representing Commission Staff.

12 MR. ROBERSON: Jeff Roberson, assistant

13 attorney general on behalf of Commission Staff.

14 MR. GAFKEN: Good morning. Lisa Gafken,

15 assistant attorney general appearing on behalf of Public

16 Counsel.

17 JUDGE PEARSON: Thank you. So I have

18 petitions to intervene from Boise White Paper, LLC, the

19 Energy Project, the Columbia Rural Electric Association,

20 and Yakima Power. So let's take appearances from those

21 that are seeking intervention beginning with Boise White

22 Paper, and, again, please state your full name and spell

23 your last name for the record, but we can do short

24 appearances.

25 MR. COWELL: Your Honor, Jesse Cowell

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1 appearing on behalf of Boise White Paper, LLC. Cowell,

2 C-o-w-e-l-l.

3 JUDGE PEARSON: Thank you.

4 And for the Energy Project.

5 MR. FFITCH: Good morning, Your Honor.

6 Simon ffitch, attorney at law. Simon is S-i-m-o-n and

7 ffitch is double f-i-t-c-h, no caps.

8 JUDGE PEARSON: Thank you.

9 And for Columbia REA.

10 MR. PEPPLE: Good morning. Tyler Pepple,

11 attorney for Columbia REA. Last name is P-e-p-p-l-e.

12 JUDGE PEARSON: Thank you.

13 And for Yakima Power.

14 MR. WILLIAMS: Good morning, J D Williams,

15 initials J, D, W-i-l-l-i-a-m-s, appearing for Yakima

16 Power.

17 JUDGE PEARSON: Thank you.

18 Any others in the hearing room or on the

19 bridge line who wish to make an appearance today?

20 Okay. Hearing none, that brings us to the

21 petitions for intervention. So let's begin with Boise

22 White Paper's petition. Does anyone object to that

23 petition for intervention?

24 Okay. Hearing nothing, I will grant Boise

25 White Paper's petition for intervention.

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1 Next is the Energy Project. Are there any

2 objections to that petition?

3 Okay. Hearing nothing, I will grant the

4 Energy Project's petition for intervention.

5 Next is the Columbia Rural Electric

6 Association. Are there any objections to that petition

7 for intervention?

8 MR. TILL: Yes, Your Honor. Pacific Power

9 objects to the intervention of Columbia REA. Columbia

10 REA is a nonregulated utility. It does not have a

11 substantial interest in this proceeding that falls

12 within the Commission's jurisdiction and within its kind

13 of realm of its statutory authority, and its

14 participation in this docket would be contrary to the

15 public interest. It's a competitor of Pacific Power.

16 The remedy or the relief that we're requesting in this

17 docket relates to a tariff that's applicable to Pacific

18 Power's customers. Columbia REA is not a customer of

19 Pacific Power.

20 JUDGE PEARSON: Okay. Mr. Pepple, would you

21 like to respond to that?

22 MR. PEPPLE: Well, Your Honor, I guess there

23 are a couple things. I mean, one is Columbia REA has

24 been granted intervention in two prior proceedings to

25 address substantially identical issues. The Company's

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1 made arguments in the past about this and the Commission

2 has nevertheless routinely granted Columbia REA's

3 petition to intervene to address issues related to that

4 removal tariff. There's no reason to change that

5 decision now.

6 Another is that, you know, Pacific Power's

7 testimony directly addresses Columbia REA and puts

8 Columbia REA's competition with Pacific Power at issue

9 in this proceeding. And Columbia REA is uniquely

10 situated to address those issues.

11 And finally, it is within the Commission's

12 jurisdiction from the perspective of public policy to

13 address to what extent competition among Columbia REA

14 and Pacific Power benefits and/or harms Pacific Power's

15 customers and to what extent should competition be

16 allowed between the two and to what extent does Pacific

17 Power's proposed revisions to that removal tariff impact

18 that competition.

19 So we think that there are a number of

20 grounds for granting Columbia REA's intervention.

21 JUDGE PEARSON: Thank you.

22 Does any other party wish to weigh in?

23 MR. CASEY: Chris Casey here on behalf of

24 Staff. We will note that the Commission has broad

25 discretion to grant intervention. We -- we support

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1 intervention here, although we think that limiting the

2 scope of intervention could end up being appropriate.

3 Staff respects the prior cases and the fact that CREA

4 has been a participant in the past and has been useful,

5 but we also acknowledge that we do have some concerns

6 about both of the nonjurisdictional utilities' ability

7 to add value to the record in a manner that's really

8 going to inform the Commission's decision.

9 The primary issue here is whether the

10 proposed rates, terms, and conditions of the tariff

11 filing are fair, just, and reasonable. Those are terms

12 and conditions that are going to affect Pacific Power's

13 customers, both those who are wishing to leave that

14 system and those remaining. That's the primary focus.

15 Those terms and conditions are not going to affect a

16 legal or property interest of the nonjurisdictional

17 utilities.

18 Their legal rights and obligations aren't

19 going to be affected, and there is a case law in this

20 state that says that their -- essentially says that

21 their business interests are not a concern to the

22 Commission so we -- we do have some concern about them

23 filling the record with things that are kind of outside

24 of the scope of the Commission's, you know, authority

25 but we also think that competition is clearly an issue

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1 in this case. And the proposed rates, terms, and

2 conditions will have an effect on that level of

3 competition. We think statute doesn't necessarily fully

4 explain what the Commission's role should be in either

5 encouraging, discouraging, or tolerating that

6 competition. So we generally think it is good to have,

7 you know, all voices at the table or all voices in the

8 discussion.

9 So but we also think for the

10 nonjurisdictional utilities to be a helpful participant

11 here and to facilitate review, they're going to have to

12 be cooperative in discovery. You know, they mentioned

13 wanting to respond to factual allegations made by the

14 Company that we think that they will need to also

15 respond to discovery about those allegations if they're

16 really going to inform the record in a way that can help

17 the Commission in its decision.

18 And then the last thing we'll note is if the

19 Commission decides to grant the intervention of both of

20 the nonjurisdictional utilities, there's going to be

21 some issues about confidential information, and I can

22 easily imagine all of the utilities objecting to each

23 other seeing that information. We think that it imposes

24 some problems but can be worked through through the

25 orders -- the protective orders and potentially a highly

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1 confidential protective order, but we think it might be

2 helpful if all of the utilities kind of before we got

3 into discovery were to, you know, explain or identify

4 what types of information they believe is confidential,

5 to explain why it's confidential, and explain the types

6 of harms that could arise if that information was

7 disclosed. And we think maybe doing that at the outset

8 could, you know, help inform working our way through

9 discovery going forward.

10 JUDGE PEARSON: Okay. Thank you. And when

11 you referenced envisioning limitations, is that what you

12 were referring to with respect to the confidential

13 information?

14 MR. CASEY: Well, I think -- I think if the

15 Commission is to allow these nonjurisdictional utilities

16 in, I think the Commission should express that it

17 expects them to cooperate in discovery. Basically, I

18 think if these nonjurisdiction utilities are just going

19 to object to discovery requests on the grounds that they

20 are nonjurisdictional utilities, then what are they

21 here, what are they adding?

22 And also, you know, we think that whether

23 something is, you know, good or bad for their business

24 interest is kind of beyond the concern of the

25 Commission. The Commission is concerned with the

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1 customers of the regulated utility and the terms and

2 conditions of the service of the regulated utility. But

3 we acknowledge that those terms and conditions also, you

4 know, go to some aspects of competition and whether that

5 competition is in the public interest or not. And so we

6 think they can inform that discussion if -- if they so

7 choose.

8 JUDGE PEARSON: Okay. Thank you.

9 MS. GAFKEN: Good morning. Public Counsel

10 does not have an objection to CREA's intervention, but I

11 will make a few comments. We support everything that

12 Staff just noted, and I won't retread that ground. I

13 will talk about some of the same things, but I won't

14 recover all of the things that Mr. Casey covered.

15 The Commission has addressed CREA's

16 intervention in two prior dockets in PacifiCorp's 2013

17 general rate case, which is Docket UE-130043.

18 PacifiCorp raised Schedule 300 issues and CREA

19 intervened in that case. And then when Schedule 300 --

20 I believe this was the case where Schedule 300 was

21 initially proposed and that docket was UE-001734, CREA

22 also intervened in that case. And in both cases, the

23 Commission found that CREA didn't have a substantial

24 interest, but they did come in under the public interest

25 prong of the intervention standard. And so under that

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1 prong, the Commission does have wide jurisdiction -- or

2 broad discretion and for those reasons, Public Counsel

3 doesn't -- does not oppose CREA's petition to intervene

4 here.

5 With respect to the competition issue,

6 Public Counsel views those as an ancillary issue. You

7 know, certainly the primary issue in this case rests on

8 the -- the rates and the effect on both the departing

9 customers and the remaining customers. The span of cost

10 calculations and all of the nuts and bolts of the dollar

11 impacts of the proposal, and so that's really the

12 primary concern of this docket. And to the extent that

13 the parties who are petitioning to intervene can assist

14 in that discussion then, you know, it would certainly be

15 beneficial to have their voice in the record.

16 Public Counsel does echo the concerns raised

17 by Staff with respect to discovery. Any party who is a

18 party to the case, of course, should answer discovery

19 that's proposed to them or proponed to them, but also

20 parties should be mindful of the scope of the

21 proceeding. So I will just sum up that Public Counsel

22 has no objection to petition to intervene.

23 JUDGE PEARSON: Thank you.

24 Mr. Pepple or -- did you want to respond?

25 MR. PEPPLE: I guess maybe just a couple

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1 things. So Columbia REA is well aware of Commission's

2 jurisdiction in this docket and is not intervening in

3 order to try to get the Commission to protect Columbia

4 REA's business interests. And so, you know, I don't

5 think that there should really be too much of a concern

6 about us broadening the scope of the proceeding beyond

7 what the Commission can lawfully consider.

8 Additionally, Columbia REA has no objection to answering

9 data requests to the extent that they are relevant to

10 this proceeding so...

11 JUDGE PEARSON: Okay. Thank you.

12 Mr. Till, did you have anything further?

13 MR. TILL: Yes, if I may, Your Honor.

14 Pacific Power, we recognize the prior incidences where

15 Columbia REA was granted intervention under the

16 substantial interest prong. We disagree with the --

17 rather under the public interest prong, we disagree with

18 the outcome in those decisions, but we do recognize that

19 they have been granted party status. But we echo

20 Staff's and Public Counsel's concerns that if Columbia

21 REA is granted party status, then they're -- that if

22 it's not done in a way that unfairly disadvantages

23 participants in the docket while advantaging CREA, and

24 it sounds like that Columbia REA recognizes as a

25 discovery issue that they'd be a full -- fully

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1 responsive to relevant discovery.

2 So with that in mind, we'd just like to

3 have -- be cognizant of that fact that, you know, they

4 don't have a substantial interest in Pacific Power's

5 rates, terms, and conditions applicable to Pacific

6 Power's customers. So if they are to intervene and

7 participate in this docket, we need to make sure that

8 they're providing a real value here that -- a value to

9 the issues that the Commission has jurisdiction over.

10 And as to the competition issue that

11 Mr. Casey raised, I agree with Public Counsel that it's

12 really an ancillary issue. I don't think this is a

13 policy docket trying to dive into what, you know,

14 whether the Commission should support, oppose, or be

15 agnostic as to competition between utilities. Our

16 filing is narrowly focused on the rates, terms, and

17 conditions applicable to departing customers and how we

18 can protect our remaining customers from the

19 consequences of certain business practices that are

20 really narrow in scope.

21 I mean, we only have this issue present in

22 the Walla Walla area. You know, this isn't an issue

23 that's -- other utilities are exposed to, so it's

24 particular to Pacific Power's existing customers and

25 customers that remain in our system.

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1 JUDGE PEARSON: Okay. Thank you.

2 So I will take that -- everything that's

3 been said today under advisement. I will issue an order

4 with respect to Columbia REA's petition for intervention

5 subsequent to the prehearing conference order.

6 MR. COWELL: Your Honor?

7 JUDGE PEARSON: Yes.

8 MR. COWELL: Might I briefly add something

9 from Boise's perspective?

10 JUDGE PEARSON: Sure.

11 MR. COWELL: From the perspective of a

12 Pacific Power customer, and Boise was involved in the

13 2013 PacifiCorp general rate case when the many similar

14 net removal tariff issues were at issue, that Boise

15 found value from that customer perspective in what CREA

16 had added to that proceeding. And I'll note in order

17 four of that proceeding, that the Commission found

18 Columbia REA's arguments persuasive and there was quite

19 a significant bullet point list of issues that had been

20 raised and discussed by Columbia REA that were actually

21 ordered to be addressed in a subsequent Pacific Power

22 report. And in those ordering paragraphs, there was

23 instruction for Pacific Power to work with interested

24 parties including Columbia REA. So I just say that in a

25 sense of -- from Boise's perspective that Columbia REA

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1 has demonstrated value on these particular issues.

2 Thank you.

3 JUDGE PEARSON: Thank you.

4 So let's turn now to Yakima Power's petition

5 for intervention.

6 I assume you have the same objection?

7 MR. TILL: Yes, I do, Your Honor.

8 JUDGE PEARSON: Okay. Mr. Williams, would

9 you like to respond?

10 MR. WILLIAMS: Thank you. My response is

11 fairly similar to Columbia REA's with a few caveats.

12 Like CREA, Yakima Power does not have a service,

13 territory service superior to the current facility,

14 Pacific Power. And so anybody switching from PacifiCorp

15 right now is switching to Yakima Power in the boundaries

16 of the Yakima Indian reservation. Particularly with the

17 recent purchase of then REA's system on the reservation,

18 Yakima Power is the only other utility of any substance

19 there.

20 So we have the same public interest issues

21 and the same key issue about the impact of the departing

22 customers. Unlike Columbia, though, we are a utility

23 organized by an Indian nation. So I am very familiar

24 with some of the unique aspects of rights, ways, and

25 such on an Indian reservation that could be relevant.

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1 So if you do grant CREA, we're hoping that you will also

2 grant our intervention because the concerns are

3 essentially the same, perhaps not quite on the same

4 scale.

5 And also as far as discovery data, Yakima

6 Power has no objections to that as long as, I will echo

7 Mr. Pepple's over here that it needs to be relevant

8 without any objections of unnecessary nonregulated

9 status as a barrier to that. Not a lot about what we do

10 that PacifiCorp doesn't already know.

11 JUDGE PEARSON: Okay. Thank you.

12 Does Staff or Public Counsel have anything

13 they wish to add?

14 MR. CASEY: I will just echo the same things

15 that I said before.

16 JUDGE PEARSON: Okay.

17 MR. CASEY: So we kind of view their

18 interests similarly.

19 JUDGE PEARSON: Sure. Thank you.

20 MS. GAFKEN: Public Counsel's position on

21 the Yakima Power petition for intervention is the same

22 as CREA's petition.

23 JUDGE PEARSON: Okay. Thank you.

24 So I will similarly take that under

25 advisement and issue a subsequent order. Which brings

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1 us to a protective order in this case. I assume that

2 the parties would like one?

3 MR. TILL: Yes.

4 JUDGE PEARSON: Okay. I also assume at this

5 juncture that a standard protective order will be

6 sufficient?

7 MR. TILL: For the time being. If the

8 situation arises where we feel a greater degree of

9 protection is necessary, we can address that at that

10 time.

11 JUDGE PEARSON: Okay. So I will issue a

12 standard protective order and I also assume the parties

13 want the discovery rules to be available?

14 MS. GAFKEN: Yes.

15 JUDGE PEARSON: And do each of you consent

16 to electronic service if the Commission decides to serve

17 documents in that manner?

18 MR. CASEY: Yes, Your Honor.

19 MS. GAFKEN: Yes, Your Honor.

20 MR. TILL: Yes, Your Honor.

21 MR. COWELL: Yes, Your Honor.

22 MR. PEPPLE: Yes, Your Honor.

23 MR. WILLIAMS: Yes.

24 JUDGE PEARSON: Mr. ffitch?

25 MR FFITCH: The Energy Project consents.

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1 JUDGE PEARSON: Thank you.

2 And that brings us to the schedule. I do

3 have a question. I didn't see an effective date for the

4 tariff revisions in the Company's filing. Is that

5 something that I missed or was that intentionally left

6 out?

7 MS. SON: I think we left it intentionally

8 out kind of assuming that it would be suspended.

9 JUDGE PEARSON: Okay. And so, Mr. Till, do

10 you know what the Company's expectation is for timing?

11 MR. TILL: We were hoping to expedite this

12 process. That's why we filed our testimony with our

13 application.

14 JUDGE PEARSON: Okay.

15 MR. TILL: We were hoping for resolution in

16 the June or July timeframe. Given the fact that this is

17 a single issue, it's quite narrow, we were hoping to --

18 and the fact is with the filing of this petition, we

19 so to speak lit the fuse, and so Columbia REA is on

20 notice that we're seeking this change and to be frank,

21 they have a business model that's predicated in part of

22 poaching our customers, and we feel that now that this

23 docket is pending, this tariff change is pending, it

24 incentivizes them to kind of ramp up the type of

25 activity that's led to this in the first place. So

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1 there's real customer harm here. The longer this is

2 drawn out, the more harm our existing customers will

3 suffer.

4 JUDGE PEARSON: Okay. Have the parties

5 discussed the schedule in advance of today's hearing?

6 MR. CASEY: We have, some more than others.

7 I circulated a proposed schedule yesterday, although we

8 did not get a ton of feedback. So I think we're going

9 to need some time to --

10 JUDGE PEARSON: You need a recess?

11 MR. CASEY: Yeah, to work through the

12 issues. I will mention on Pacific Power's red line

13 version of their proposed Schedule 300, it does have an

14 effective date of December 15th, 2016, and so by Staff's

15 calculation, the suspension date would be October 15th

16 of 2017. And in terms of the schedule, Staff is very

17 hopeful we can get to an expedited resolution in this

18 case through settlement, but we are very reluctant to

19 try to commit to an expedited litigation schedule.

20 While the issues here are potentially

21 narrow, they will involve data requests for information

22 about the system, analysis of that, there might need to

23 be model runs, and we think there really needs to be a

24 back and forth in terms of discovery to be able to

25 really flush out the issues and we think that analysis

0022

1 will take time. So we think in terms of a litigation

2 schedule, that we will need to do something closer to a

3 normal schedule, and those discovery concerns are on top

4 of commitments to other cases that Staff and Counsel

5 have. So we -- it's going to be a busy spring one way

6 or another.

7 JUDGE PEARSON: Okay. So let's go ahead and

8 we can a take a recess. Does anyone from Staff, do you

9 have a computer with you?

10 MR. CASEY: I do not.

11 JUDGE PEARSON: Okay. So you will want to

12 have both my calendar, the hearing room calendar, and

13 the Commissioners' calendars available when you pick a

14 proposed hearing date. So is that something that you

15 can maybe grab a Staff member --

16 MR. CASEY: Yeah, we can go back and check.

17 JUDGE PEARSON: Okay.

18 MR. CASEY: Neither of the counsels have

19 been given laptops so...

20 JUDGE PEARSON: Okay. All right. Well, we

21 will be in recess, then, and, Mr. Roberson or Mr. Casey,

22 if you could just come get me from my office or give me

23 a call when you're ready.

24 MR. CASEY: Yes.

25 JUDGE PEARSON: Okay. Thank you.

0023

1 (Recess taken from 9:59 a.m. to 10:36 a.m.)

2 JUDGE PEARSON: We will be back on the

3 record following a brief recess.

4 Before we get to the schedule, I did just

5 want to address the tariff filing itself. The statutes

6 80.28.060 and 80.04.130 do require tariff filings to

7 have a close effective date, and since the filing was

8 made November 15th; is that correct?

9 MR. TILL: The 14th, I believe.

10 JUDGE PEARSON: The 14th, okay. And Staff

11 calculated the date.

12 MR. CASEY: So on the tariff themselves, it

13 says the effective date is December 15th.

14 JUDGE PEARSON: Oh, it does. So it was just

15 in the cover letter.

16 MR. CASEY: It just wasn't in the letter.

17 JUDGE PEARSON: I gotcha.

18 MR. CASEY: Yeah, because the letter was

19 asking for suspension right away.

20 JUDGE PEARSON: Okay. So that's sufficient

21 if that was in the tariff itself so you don't need to

22 make any corrections. So we can get to the schedule

23 now.

24 And, Mr. Casey, are you going to read that

25 into the record?

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1 MR. CASEY: I am.

2 Did you --

3 MR. TILL: Yes, Your Honor. So the parties

4 have conferred on the schedule, and I think that there's

5 general agreement between the parties as to the schedule

6 that Mr. Casey will read into the record. PacifiCorp

7 won't oppose it, but I reiterate the point that I made

8 before that we were hoping to have an expedited process.

9 We feel that kind of five-month front end on this is

10 much longer than is necessary for a single narrow issue.

11 With that said, we appreciate the Staffing

12 concerns that the Commission Staff and Public Counsel

13 have. You know, we're aware of the other dockets that

14 they have and so PacifiCorp won't be opposing, but we

15 will also be kind of neutral on the schedule to be

16 proposed.

17 JUDGE PEARSON: Okay. Thank you.

18 MR. CASEY: All right. So we have Staff and

19 intervenor response testimony and exhibits on

20 April 21st, 2017, and then after that date, the response

21 time for DRs will shorten to seven days.

22 JUDGE PEARSON: Okay.

23 MR. CASEY: Then Pacific Power's rebuttal

24 testimony and exhibits and Staff's and intervenor's

25 cross-answering testimony and exhibits will be due

0025

1 May 17th, 2017, and after that date, the response time

2 for DRs will go down to five days.

3 JUDGE PEARSON: Okay.

4 MR. CASEY: The discovery deadline will be

5 May 31st, 2017, cross-examination exhibits will be due

6 on June 12th. We're going to reserve two days for a

7 hearing, June 16 and June 19, and the hearing will start

8 at 9 a.m.

9 JUDGE PEARSON: Okay.

10 MR. CASEY: Post-hearing briefs will be due

11 July 27th -- or 28th, I'm sorry, July 28th. We want to

12 reserve reply -- a date for reply briefs, that will be

13 August 17th. We've talked about potentially waiving

14 them if -- if possible and if they happen, we will limit

15 the pages to 25 pages for the reply brief.

16 JUDGE PEARSON: Okay.

17 MR. CASEY: And then, again, the suspension

18 date would be October 15th, 2017.

19 And two other quick comments. One, the

20 parties have committed to engaging a settlement

21 conference, but we don't want to set a date now. We

22 want to kind of see how discovery plays out and then get

23 to it once we feel like we have sufficient information.

24 So we will have at least one settlement conference, but

25 that date will be determined offline by the parties.

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1 And Public Counsel did think there might be a

2 possibility of a public comment hearing, but that's not

3 something they're going to -- if they think it's --

4 Or why don't I just let you...

5 MS. GAFKEN: So Public Counsel isn't going

6 to request a public comment hearing at this time, but

7 our plan is to gauge public interest and if there are a

8 number of public comments that come in through the mail

9 or over the Internet, we would request that one be set,

10 you know, if there is a need for one.

11 JUDGE PEARSON: Okay.

12 MS. GAFKEN: But we won't request one now.

13 JUDGE PEARSON: Okay. That sounds good.

14 Okay.

15 MR. PEPPLE: Your Honor, just to add one

16 more quick thing.

17 JUDGE PEARSON: Yeah.

18 MR. PEPPLE: The parties did also agree

19 subject to any restrictions in a protective order that

20 they would provide discovery responses to all of the

21 parties to the docket.

22 JUDGE PEARSON: Okay.

23 MR. PEPPLE: So the parities don't have to

24 engage in the formality of requesting them specifically.

25 JUDGE PEARSON: Okay. So, Mr. Casey, if you

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1 could email me a copy of that proposed schedule, that

2 would be very helpful.

3 MR. CASEY: Okay.

4 JUDGE PEARSON: And would the parties like a

5 courtesy service list for support staff?

6 MS. GAFKEN: Yes.

7 JUDGE PEARSON: Okay. So I will send an

8 email out to all the parties asking for the service

9 lists.

10 And is there anything else that we need to

11 address while we're here?

12 MR. CASEY: Not from Commission Staff.

13 JUDGE PEARSON: Okay. Then I will issue a

14 prehearing conference order as I stated earlier followed

15 subsequently by the order on the two petitions.

16 So thank you all for coming here today and

17 we are adjourned.

18 (Adjourned at 10:42 a.m.)

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1 C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Russell, a Certified Shorthand Reporter

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

8 that the foregoing transcript is true and accurate to

9 the best of my knowledge, skill and ability.

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Tayler Russell, CCR

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