

Docket No. UE-161204 - Vol. I

WUTC v. Pacific Power & Light Company

December 20, 2016



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION

4 WASHINGTON UTILITIES AND)
 5 TRANSPORTATION COMMISSION,)
 6 Complainant,)
 7 vs.) Docket No. UE-161204
 8)
 8 PACIFIC POWER & LIGHT)
 9 COMPANY,)
 9 Respondent.)

11 PREHEARING CONFERENCE, VOLUME I
 12 Pages 1-28
 13 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

15 December 20, 2016
 16 9:30 a.m.

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Page 4

1 OLYMPIA, WASHINGTON; DECEMBER 20, 2016
 2 9:30 A.M.
 3 --000--

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

5
 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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<p>1 MR. TILL: Right. Last name is Till, T as 2 in Tom, i, double I, with Pacific Power. It's 825 3 Northeast Multnomah Street, Suite 1800, Portland, 4 Oregon, 97232.</p>	<p>1 Next is the Energy Project. Are there any 2 objections to that petition?</p>
<p>5 JUDGE PEARSON: And what's your title, 6 Mr. Till?</p>	<p>3 Okay. Hearing nothing, I will grant the 4 Energy Project's petition for intervention.</p>
<p>7 MR. TILL: I'm senior counsel. 8 JUDGE PEARSON: Thank you. 9 For Staff?</p>	<p>5 Next is the Columbia Rural Electric 6 Association. Are there any objections to that petition 7 for intervention?</p>
<p>10 MR. CASEY: Christopher Casey, assistant 11 attorney general representing Commission Staff.</p>	<p>8 MR. TILL: Yes, Your Honor. Pacific Power 9 objects to the intervention of Columbia REA. Columbia</p>
<p>12 MR. ROBERSON: Jeff Roberson, assistant 13 attorney general on behalf of Commission Staff.</p>	<p>10 REA is a nonregulated utility. It does not have a 11 substantial interest in this proceeding that falls</p>
<p>14 MR. GAFKEN: Good morning. Lisa Gafken, 15 assistant attorney general appearing on behalf of Public 16 Counsel.</p>	<p>12 within the Commission's jurisdiction and within its kind 13 of realm of its statutory authority, and its</p>
<p>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.</p>	<p>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.</p>
<p>25 MR. COWELL: Your Honor, Jesse Cowell</p>	<p>20 JUDGE PEARSON: Okay. Mr. Pepple, would you 21 like to respond to that?</p>
<p>1 appearing on behalf of Boise White Paper, LLC. Cowell, 2 C-o-w-e-l-l.</p>	<p>22 MR. PEPPL: 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</p>
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<p>3 JUDGE PEARSON: Thank you. 4 And for the Energy Project.</p>	<p>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.</p>
<p>6 MR. FFITCH: Good morning, Your Honor. 7 Simon ffitich, attorney at law. Simon is S-i-m-o-n and 8 ffitich is double f-i-t-c-h, no caps.</p>	<p>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.</p>
<p>9 JUDGE PEARSON: Thank you. 10 And for Columbia REA.</p>	<p>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.</p>
<p>11 MR. PEPPL: Good morning. Tyler Pepple, 12 attorney for Columbia REA. Last name is P-e-p-p-l-e.</p>	<p>19 So we think that there are a number of 20 grounds for granting Columbia REA's intervention.</p>
<p>13 JUDGE PEARSON: Thank you. 14 And for Yakima Power.</p>	<p>21 JUDGE PEARSON: Thank you. 22 Does any other party wish to weigh in?</p>
<p>15 MR. WILLIAMS: Good morning, J D Williams, 16 initials J, D, W-i-l-l-i-a-m-s, appearing for Yakima 17 Power.</p>	<p>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</p>
<p>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?</p>	
<p>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?</p>	
<p>24 Okay. Hearing nothing, I will grant Boise 25 White Paper's petition for intervention.</p>	

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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

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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 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.

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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

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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. PEPPLER: Your Honor, just to add one
 16 more quick thing.
 17 JUDGE PEARSON: Yeah.
 18 MR. PEPPLER: 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. PEPPLER: So the parties 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 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 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.
 10
 11
 12 Tayler Russell, CCR _____
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