

Docket No. UE-161204 - Vol. I

WUTC v. Pacific Power & Light Company

December 20, 2016



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )

)  
Complainant, )

)  
vs. ) Docket No. UE-161204

)  
PACIFIC POWER & LIGHT )  
COMPANY, )

)  
Respondent. )

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

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December 20, 2016

9:30 a.m.

Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, Washington 98502

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ARIEL SON, Pacific Power

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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.

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.

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

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

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

8 JUDGE PEARSON: Thank you.

9 And for Columbia REA.

10 MR. PEPPLER: 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.

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. PEPPLER: 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



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

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

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

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

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

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. PEPPLER: I guess maybe just a couple

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

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.



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

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.

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

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. PEPPLER: Yes, Your Honor.

23 MR. WILLIAMS: Yes.

24 JUDGE PEARSON: Mr. Ffitch?

25 MR. FFITCH: The Energy Project consents.

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

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

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.

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?



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

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.

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

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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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.

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Tayler Russell, CCR