

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UE-001734
	)	
Complainant,	)	
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER
PACIFICORP d/b/a PACIFIC	)	
POWER & LIGHT,	)	
	)	
Respondent.	)	
.....	)	

1     **BACKGROUND:** On November 9, 2000, PacifiCorp d/b/a Pacific Power & Light (PacifiCorp) filed with the Commission certain tariff revisions that would allow PacifiCorp to charge a customer the costs associated with removing PacifiCorp’s utility property from the customer’s location when the customer changes utility service providers. By order of the Commission, the operation of the tariff revision has been suspended pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

2     **PREHEARING CONFERENCE:** The Commission convened a prehearing conference in this matter on May 1, 2001, in Olympia, Washington, before Administrative Law Judge (ALJ) Karen M. Caillé.

3     **PARTIES:** James C. Paine, Stoel Rives LLP, Portland, Oregon, represents PacifiCorp. Don Trotter, Assistant Attorney General, Olympia, Washington, represents Staff of the Washington Utilities and Transportation Commission (Staff). Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents Public Counsel. Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon, represents Industrial Customers of Northwest Utilities (ICNU).

4     **PETITIONS TO INTERVENE:** ICNU filed a petition to intervene. ICNU’s petition demonstrates that it has a substantial interest in the outcome of this proceeding and that its participation will be in the public interest. The petition is unopposed by any party. The petition is granted.

5     **PRELIMINARY MOTIONS:** The Notice of Prehearing Conference specified at the time of, or before, the prehearing conference, PacifiCorp should file with the Commission and distribute to the parties its proposed direct evidence in support of its

filing. PacifiCorp requested that it be allowed until May 11, 2001, to file its direct evidence, or to move to withdraw its tariff filing. PacifiCorp agreed to waive the statutory ten month rule to accommodate the delay, if PacifiCorp were to file its direct evidence on May, 11, 2001. Public Counsel, Staff, and ICNU did not object to PacifiCorp's request.

6 Public Counsel, Staff, and ICNU raised the issue of whether PacifiCorp's filing violated the stipulation filed in its rate case, Docket No. UE-991832. The parties agreed that PacifiCorp would address the issue in its May 11, 2001 filing. The schedule for pleadings on this issue is included below.

7 **SCHEDULE:** The parties agreed to the following procedural schedule assuming that PacifiCorp decides to go forward with the filing:

May 11, 2001	PacifiCorp files direct testimony and compliance argument
May 24, 2001	Staff, Public Counsel, and ICNU file motions to dismiss
May 31, 2001 <sup>1</sup>	PacifiCorp files response to motions to dismiss
June 7, 2001	Staff, Public Counsel, and ICNU file replies to PacifiCorp's response
June 18-22, 2001	Reserved for settlement conference
July 2, 2001	Staff, Public Counsel, and ICNU file response testimony
July 27, 2001	PacifiCorp files rebuttal testimony
August 10, 2001	Prehearing conference for marking exhibits and cross-exhibits
August 16-17, 2001	Evidentiary hearings
October 2, 2001	Simultaneous opening briefs due
October 19, 2001	Simultaneous reply briefs due
November 20, 2001	Commission's Order

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<sup>1</sup> The parties agreed that they could take up to seven days to respond in succeeding rounds of pleadings. They support an expeditious resolution of the issue. In that spirit, the parties agreed to attempt to shorten their response times, and that if a response was filed in less than seven days, the next pleading would be due, at the latest, seven days after the preceding filing.

- 8 The parties agree that the dates for filing briefs are receipt dates. The Commission adopts the procedural dates proposed by the parties. Additional process and procedural dates may be established by subsequent notice or order.
- 9 **DISCOVERY:** This proceeding is the type described in WAC 480-09-480(2) and the parties request the opportunity for discovery. The discovery rule, WAC 480-09-480, is invoked. Formal discovery may commence immediately. Parties are required to limit discovery to that necessary to their respective cases, and parties should cooperate to facilitate discovery and resolve informally any disputes. Parties agree to a five working day discovery turn around or “best effort.” Any discovery dispute referred to the Commission by motion must state what steps the parties have taken to resolve the dispute. Parties are encouraged to use electronic media to the extent feasible to expedite the exchange of discovery materials.
- 10 **PROTECTIVE ORDER:** The Commission anticipates that certain confidential information may be requested during the discovery process. Accordingly, discovery may be facilitated by a protective order. A protective order consistent in substance with the form typically used in Commission proceedings will be entered to protect the parties’ interests in insulating confidential information from public disclosure.
- 11 **WITNESS AND EXHIBITS LISTS:** Each party must provide the presiding Administrative Law Judge and each other party a list of witnesses in the order they will appear along with a list of exhibits sponsored by each witness. Parties also must identify exhibits expected to be used in cross-examination, linked to the appropriate witness, and provide copies to other parties and the Bench (6 copies). Prefiled exhibits provided to the Commission and the parties, including cross-examination exhibits, need not be provided to parties again at hearing. The parties’ attention is directed to **Appendix A** which describes exhibit formatting and filing requirements.
- 12 Lists and exhibits must be provided in hand to the Presiding Judge and all parties at least five (5) working days before the first hearing day (*i.e.*, by noon, August 9, 2001). These requirements facilitate case management and expedite the hearing. Lists and cross-examination exhibits may be served by facsimile or other electronic transmission; the presiding Administrative Law Judges’ facsimile number is (360) 664-2654. Copies may instead be furnished by mail or hand-delivery with the ALJ’s courtesy copies addressed to her directly.
- 13 Parties will be responsible for marking their own exhibits at the prehearing conference on August 10, 2001. The Bench will mark all originals and Bench copies.
- 14 **FILING; COPIES OF MATERIALS:** Filing can be accomplished by mail delivery to the Commission Secretary, 1300 S. Evergreen Park Drive, S.W., P.O. Box 47250, Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary via the Commission’s records center at the Washington Utilities and Transportation

Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250. Both the post office box and street address are required to expedite deliveries by U. S. Postal Service.

- 15 An original plus fifteen (15) copies of all pleadings, motions, briefs, and other prefiled materials must be filed with the Commission. Parties must furnish separately a 3.5 inch IBM formatted high-density diskette including the filed document(s) in .pdf format, MS Word 97 (or later), or WordPerfect 6.0 (or later) format. Parties may supplement their filing by sending an electronic copy via e-mail attachment to: [records@wutc.wa.gov](mailto:records@wutc.wa.gov).
- 16 Filing by facsimile may be allowed on request by a party or required by the Bench, if necessary to expedite a particular process. When filing by facsimile is allowed or required, please use the Commission's facsimile number: (360) 586-1150.
- 17 **ALTERNATIVE DISPUTE RESOLUTION; SETTLEMENT:** The Commission urges all parties to formal adjudications to consider alternative methods to bring resolution to contested issues. The Commission applauds the parties' reservation of time for settlement conferences in this proceeding. Please advise the Commission of any progress you make.
- 18 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement pursuant to WAC 480-09-460(2). Absent such objections, this Prehearing Conference Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective this 4th day of May, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

**DOCKET NO. UT-001734  
PARTIES' REPRESENTATIVES**

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## Appendix A

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be:

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with **OVERSIZED HOLES** to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be:

- **SEQUENTIALLY NUMBERED** (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- **DATED ON THE FIRST PAGE OF EACH ITEM** and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled "REVISED," with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for revision, when applicable, with an ordinal number showing the revision number.

**II. Identifying exhibit numbers; Exhibits on cross examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and "JQP" designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-filing.