

Docket No. TV-200432 - Vol. I

WUTC v. Clutter, Inc.

May 4, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET TV-200432
TRANSPORTATION COMMISSION,))
))
Complainant,))
))
vs.))
))
CLUTTER, INC.,))
))
))
Respondent.))

VIRTUAL PREHEARING CONFERENCE, VOLUME I
PAGES 1-9
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

May 4, 2021
9:30 a.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, Washington 98503

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2 ADMINISTRATIVE LAW JUDGE:

3 RAYNE PEARSON

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1 LACEY, WASHINGTON; MAY 4, 2021

2 9:30 A.M.

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

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6 JUDGE PEARSON: Let's be on record. Good
7 morning. We are here today for a prehearing conference
8 in Docket TV-200432, which is captioned Washington
9 Utilities and Transportation Commission versus Clutter,
10 Inc.

11 My name is Rayne Pearson. I'm an
12 administrative law judge with the Washington Utilities
13 and Transportation Commission, and I will be presiding
14 in this matter.

15 So let's begin by taking appearances
16 starting with the Company.

17 MR. STOKES: Good morning. This is Chad
18 Stokes for Clutter, Inc. Would you like a long form of
19 appearance?

20 JUDGE PEARSON: No, that's okay. You
21 entered a notice of appearance, correct?

22 MR. STOKES: Yes.

23 JUDGE PEARSON: That's great. Thank you.

24 And for Staff?

25 MR. TEIMOURI: Good morning. This is Daniel

1 Teimouri, Assistant Attorney General, here on behalf of
2 Commission Staff.

3 JUDGE PEARSON: Thank you.

4 And for Public Counsel?

5 MS. SUETAKE: Good morning. This is Nina
6 Suetake, and I'm here on behalf of Public Counsel.

7 JUDGE PEARSON: Okay. Thank you.

8 Is there anyone present on the line who
9 wishes to intervene in this proceeding? I haven't
10 received any written petitions for interventions, but
11 just want to check. Okay. Hearing nothing, we can move
12 on.

13 I think everyone is well aware by now,
14 especially since the pandemic began, that the Commission
15 has adopted new procedural rules regarding electronic
16 filing and service, and I will be waiving any
17 requirement for paper copies in this case, so everything
18 can be filed electronically.

19 If any party has not yet designated a lead
20 representative for service, please do so via an email to
21 me as soon as possible. My email address is
22 Rayne.Pearson@utc.wa.gov. If anyone would like to add
23 names and email addresses of other representatives or
24 support staff who should receive electronic courtesy
25 copies of documents filed in this proceeding, please

1 email that to me as well.

2 So it looks like from the proposed
3 procedural schedule that was circulated that the parties
4 do want to have discovery available to them in this
5 case; is that correct?

6 MR. TEIMOURI: I think so. Some discovery
7 at least from Staff's perspective. We didn't leave that
8 much in there, but at least a couple weeks there.

9 JUDGE PEARSON: Okay. And so I -- I will
10 make the discovery rules available, but just want to
11 remind the parties that protective orders are not
12 available under the statutes that govern this
13 proceeding, so just bear that in mind.

14 And also, if you do anticipate issuing data
15 requests, would the parties like me to include a
16 requirement in the prehearing conference order that data
17 request responses are automatically shared with every
18 other party?

19 MR. TEIMOURI: No objection from Staff.

20 JUDGE PEARSON: Okay. Great. I'm seeing
21 nonverbal confirmation from all parties, so I appreciate
22 that.

23 All right, then. So that brings us to the
24 procedural schedule. The parties did circulate a
25 proposed procedural schedule in advance of the hearing.

1 Thank you for that. Are there any changes to that
2 proposal, Mr. Teimouri?

3 MR. TEIMOURI: Not from Staff's perspective.
4 We're happy with the proposed schedule.

5 JUDGE PEARSON: Okay. Either of the other
6 parties?

7 MS. SUETAKE: Public Counsel --
8 [Cross talking.]

9 MS. SUETAKE: None from Public Counsel.

10 JUDGE PEARSON: Okay. Great.

11 All right. So the date and time for the
12 hearing works for me, so I will incorporate it along
13 with the other dates outlined in the agreed procedural
14 schedule into the prehearing conference order. What I
15 did want to know is whether the parties wanted to start
16 the hearing in the morning or the afternoon? How much
17 time you would anticipate for the hearing? If you think
18 it's possible that it could go longer than three hours,
19 then I think we should set it for the morning, but
20 that's up to the parties.

21 MR. TEIMOURI: Yeah, my initial guess would
22 be it would not take longer than three hours, but that's
23 just a, you know -- that's where we stand at this point.
24 So I think the afternoon would be fine from Staff's
25 perspective, but happy to hear other thoughts on that.

1 MR. STOKES: I guess from Clutter's --
2 Clutter's perspective I would agree with that, but just
3 out of an abundance of caution, maybe the morning --
4 morning's better to start.

5 JUDGE PEARSON: Okay.

6 MR. TEIMOURI: Yeah, I have no problem with
7 that.

8 MS. SUETAKE: I don't have a problem with
9 that either.

10 JUDGE PEARSON: Okay. Well, then why don't
11 we do -- how about a 10:00 a.m. start time; does that
12 work for everyone?

13 MR. TEIMOURI: Yeah, that works.

14 MR. STOKES: Perfect.

15 JUDGE PEARSON: So other than that, I will
16 just read the rest of the procedural schedule into the
17 record, and let me know if I miss anything.

18 There's an initial settlement conference set
19 for May 13th; a second settlement conference set for
20 June 8th; a discovery deadline of July 1st; and response
21 time to data requests will be seven days. That's the
22 footnote on that particular entry. Exhibit lists,
23 cross-examination exhibits, witness lists, and time
24 estimates would be due by July 15th, with an evidentiary
25 hearing on July 26th, 2021, and post hearing briefs, if

1 needed, due August 18th, 2021.

2 Okay. Hearing nothing, I assume that that
3 is correct.

4 All right. Is there anything else that we
5 need to address today while we're here?

6 MR. TEIMOURI: Not from Staff's perspective,
7 Your Honor. Thank you.

8 MR. STOKES: Nothing else from Clutter as
9 well.

10 MS. SUETAKE: And nothing from Public
11 Counsel.

12 JUDGE PEARSON: Okay. Thank you. I
13 appreciate you all circulating that schedule in advance
14 and working together to come up with something that
15 works for everyone, and we are adjourned. Thank you
16 very much. Have a good day.

17 (Adjourned at 9:38 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 Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

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