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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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4 WASHINGTON UTILITIES AND )DOCKET UE-190458

TRANSPORTATION COMMISSION, )

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vs. )

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PACIFIC POWER & LIGHT )

8 COMPANY )

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PREHEARING CONFERENCE, VOLUME II

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Pages 85-97

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ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN

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November 21, 2019

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1:30 p.m.

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17 Washington Utilities and Transportation Commission

621 Woodland Square Loop Southeast

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Lacey, Washington 98503

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REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

21

Buell Realtime Reporting, LLC

22 1325 Fourth Avenue, Suite 1840

Seattle, Washington 98101

23 (206) 287-9066 | Seattle

(360) 534-9066 | Olympia

24

(800) 846-6989 | National

25

www.buellrealtime.com

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A P P E A R A N C E S

2

ADMINISTRATIVE LAW JUDGE:

3

NELLI DOROSHKIN

4

FOR COMMISSION STAFF:

5

JOE DALLAS

6 Assistant Attorney General

P.O. Box 40128

7 Olympia, Washington 98504

(360) 664-1192

8

joe.dallas@utc.wa.gov

9

FOR PACIFIC POWER:

10 (Via bridge)

AJAY KUMAR

11 Pacific Power & Light Company

825 NE Multnomah Street

12 Suite 2000

Portland, Oregon 97232

13 (503) 813-5161

ajay.kumar@pacificorp.com

14

15 FOR PUBLIC COUNSEL:

(Via bridge)

16 LISA GAFKEN

Washington Attorney General's

17 Office

800 - 5th Avenue, Suite 2000

18 Seattle, Washington 98104

(206) 464-6595

19

lisa.gafken@atg.wa.gov

20

FOR PACKAGING CORPORATION

21

OF AMERICA:

22 BRENT COLEMAN

Davison Van Cleve, P.C.

23 1750 SW Harbor Way, Suite 450

Portland, Oregon 97201

24 (503) 241-7242

blc@dvclaw.com

25

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1 LACEY, WASHINGTON; NOVEMBER 21, 2019

2 1:30 P.M.

3 --o0o--

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

5

6 JUDGE DOROSHKIN: Let's be on the record.

7 Good afternoon, everyone. My name is Nelli Doroshkin,

8 and I'm an administrative law judge with the Commission.

9 I'll be copresiding in this matter along with the

10 Commissioners.

11 This is the prehearing conference in Docket

12 UE-190458 regarding Pacific Power & Light Company's

13 annual power cost adjust mechanism filing for calendar

14 year 2018. Please note that I will be using the acronym

15 PCAM in this proceeding.

16 In this prehearing conference, we will

17 address petitions to intervene, discovery, the service

18 list filing and service requirements, and the procedural

19 schedule in this case. And afterwards, I will issue an

20 order on these topics.

21 So to begin, we will take appearances and

22 then address the petition for intervention. We will

23 begin with Pacific Power.

24 MR. KUMAR: Your Honor, on behalf of Pacific

25 Power, Ajay Kumar.

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1 JUDGE DOROSHKIN: Staff?

2 MR. DALLAS: Joe Dallas, Assistant Attorney

3 General, on behalf of Commission Staff.

4 JUDGE DOROSHKIN: Public Counsel?

5 MS. GAFKEN: Good afternoon. This is Lisa

6 Gafken, Assistant Attorney General, appearing on behalf

7 of Public Counsel.

8 JUDGE DOROSHKIN: And then Packaging

9 Corporation of America or PCA?

10 MR. COLEMAN: Yes, Your Honor. Brent

11 Coleman on behalf of Packaging Corporation.

12 JUDGE DOROSHKIN: Okay. And does anyone

13 else wish to enter an appearance?

14 Okay. Hearing nothing, that brings us to

15 the petition for intervention filed in this docket. I

16 have reviewed the timely filed written petition to

17 intervene, the Packaging Corporation of America or PCA,

18 which was initially filed as the petition to intervene

19 of Boise White Paper, LLC. There were no written

20 objections filed to this petition. Would anyone like to

21 make any objections now?

22 Hearing nothing -- I'm sorry, is someone

23 going to speak up?

24 MS. GAFKEN: This is Lisa Gafken. I was

25 only going to say that Public Counsel has no objections

0089

1 to the petition for intervention.

2 JUDGE DOROSHKIN: All right. Then hearing

3 no objections, PCA's petition to intervene is granted.

4 Now, regarding discovery, please note that

5 protective order has been entered in this docket with

6 special provisions regarding Company confidential

7 information. And as noted in Order 01 in these dockets,

8 discovery will be conducted pursuant to the Commission's

9 discovery rules in WAC 480-07-400 through 425. WAC

10 480-07-405(2) requires all parties to serve all data

11 requests upon all parties in this case.

12 Does any party object to the Commission

13 making an exchange of data request responses a

14 requirement for parties in discovery in this case? All

15 right. Hearing no objections, I will incorporate that

16 requirement into the prehearing conference order.

17 Regarding service, if any party has not yet

18 designated a lead representative for service, please do

19 so via email to me as soon as possible, preferably by

20 the end of the day today. You should all have my email

21 address. I'll repeat it here. It's

22 nelli.doroshkin@utc.wa.gov, and it's also available at

23 the Commission's website. If you'd like to have any

24 other representatives or support Staff receive

25 electronic courtesy copies of all the documents filed in

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1 this proceeding, please email me their names and email

2 addresses as well.

3 Regarding electronic filing and electronic

4 service, the Commission requires electronic filing of

5 documents for formal filings. In this proceeding, the

6 Commission will also require the filing of an original

7 and three paper copies for internal distribution. If

8 filings include information designated as confidential,

9 please file the original and three copies of the fully

10 unredacted version. So no paper copy is necessary for

11 any partly redacted or fully redacted version, and

12 please file those versions only in electronic format.

13 I will note also that the Commission's rules

14 provide for electronic service of documents as well.

15 The Commission will serve the parties electronically and

16 the parties will serve each other electronically. When

17 serving filings upon parties, please also send courtesy

18 copies of the filings to me. Again, that's

19 nelli.doroshkin@utc.wa.gov.

20 So now on to the procedural schedule. We

21 will take a recess. Before we go off the record,

22 though, is there any guidance that the parties would

23 like or benefit from before we take a short recess for

24 the procedural schedule?

25 MR. KUMAR: Your Honor, this is Ajay Kumar

0091

1 for Pacific Power. I do think that -- I think from my

2 conversations with Staff and Public Counsel, I think

3 that there's sort of general consensus on maybe a

4 procedural approach to this docket, but I think I also

5 would like to note that this -- this docket is sort of

6 very intrinsically linked to the UE-190882, which is the

7 sort of general investigation into the Colstrip outage.

8 And I don't think -- I've been talking to

9 sort of parties -- Pacific Power's been talking to

10 parties in that docket, and we've been sort of maybe

11 talking about adjusting the procedural schedule in --

12 that's under investigation to allow us to file some

13 supplemental information. And we'd like to be able to

14 file that supplemental information in this docket and

15 our PCAM docket, and that's just because we don't want

16 to create sort of additional filing burdens on the other

17 utilities who are in the general investigation with --

18 oh, apologize.

19 And as a result, we are looking to -- I

20 think we would -- I don't think any actions need to be

21 taken. I think we would sort of file this testimony

22 along with a motion under the Commission's rules to sort

23 of supplement our original filing in this docket, and

24 then we could work with parties in the investigation to,

25 you know, provide the testimony in that docket. But I

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1 just wanted to sort of flag that, that there's some

2 interesting procedural interactions there, and we're

3 likely to be reaching out to Judge O'Connell very soon

4 to work through those --

5 JUDGE DOROSHKIN: Okay.

6 MR. KUMAR: -- in the investigation.

7 MR. DALLAS: Yes, Your Honor. I -- I would

8 like to reiterate what Mr. Kumar said, that there is a

9 lot of interaction between the investigation docket and

10 the PCAM docket. The decision in the outage docket is

11 going to determine the 2018 deferral balance in the PCAM

12 docket, so the two dockets are very related. We would

13 support the Commission granting leave for Pacific to

14 file supplemental testimony in the PCAM docket, but it's

15 important that there is some sort of procedural

16 mechanism where we can incorporate the supplemental

17 testimony in the PCAM docket to be used in the outage

18 docket, and the outage docket is UE-190882.

19 JUDGE DOROSHKIN: Okay. So whether that

20 testimony can be filed in the other docket is something

21 that will need to be taken up in that docket with Judge

22 O'Connell, but supplemental testimony should not be

23 problematic here. The only constraints are that the --

24 any hearing in this proceeding would take place after

25 January 30th, 2020.

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1 Are there any other questions or points that

2 need to be made before we go off the record?

3 MR. KUMAR: Your Honor, this is Ajay Kumar

4 for Pacific Power. I think it might be helpful to note

5 that from our conversations with Staff, our general

6 thoughts on the PCAM docket is it's so linked to the

7 investigation, we'd kind of wait for the investigations

8 to be resolved, and then we would set hopefully only

9 sort of one date in this docket for a settlement

10 conference that would occur after the -- after that, you

11 know, order is received in the -- in the investigation.

12 And I think, you know, from my conversation with Staff,

13 we think this -- this docket will hopefully be sort of

14 quickly resolved after that order is issued.

15 JUDGE DOROSHKIN: Okay. So you'd look for a

16 settlement conference after mid February?

17 MR. KUMAR: I mean, I think we were maybe

18 even looking -- looking at a settlement conference maybe

19 in -- in April.

20 JUDGE DOROSHKIN: Okay.

21 MR. KUMAR: Because that's sort of what the

22 timeline for the -- maybe making a Commission decision.

23 My understanding is that Avista's -- that's sort of the

24 timeline Avista made the decision on their PCA, which is

25 sort of the -- the key driving deadline for the

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1 investigation.

2 JUDGE DOROSHKIN: Okay. All righty, then.

3 Unless you have any other questions for me or anything

4 that I can provide, if the parties can come to an agreed

5 upon procedural schedule within a recess, then we will

6 be in recess. Then we are off the record.

7 (A break was taken from

8 1:41 p.m. to 2:01 p.m.)

9 JUDGE DOROSHKIN: Let's be on the record.

10 My understanding is that the parties have reached a

11 proposed procedural schedule while we were in recess,

12 and I'll ask Staff counsel, Mr. Dallas, to go through

13 that, please.

14 MR. DALLAS: Thank you, Your Honor. So we

15 do have a proposed procedural schedule that all the

16 parties agreed to, and I will go ahead and read it into

17 the record.

18 So our proposed schedule is going to be

19 April 6th, it will be a settlement conference, and May

20 6th will be a status report, and the status report will

21 be in case a settlement isn't reached, and we will

22 update the Commission on the progress of the settlement.

23 JUDGE DOROSHKIN: Okay. So that's the

24 status report deadline?

25 MR. DALLAS: Yes.

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1 JUDGE DOROSHKIN: All right. And then

2 before we went into recess, Pacific Power had noted

3 testimony that would be filed in both -- in my

4 understanding both this docket and Docket UE-190882; is

5 my understanding correct?

6 MR. KUMAR: Yes, Your Honor. I'm -- I'm not

7 sure that we've determined how exactly it should be --

8 if filing it -- I think that's probably the right

9 approach to file it in both dockets, but I think we'd

10 like to confirm that with -- with Judge O'Connell. But

11 I think we would file -- for this specific docket, we

12 would file it along with a sort of a motion to sort of

13 supplement the original testimony that was filed in this

14 docket. It would be an additional piece of testimony.

15 JUDGE DOROSHKIN: Okay. So it would be

16 supplemental testimony in both dockets. And then when

17 do you anticipate filing it?

18 MR. KUMAR: We are -- we are hoping that --

19 to file that sort of the first week of December.

20 JUDGE DOROSHKIN: Okay. So I will

21 incorporate that testimony filing date as TBD in the

22 procedural schedule and then the April 6th settlement

23 conference and a deadline of May 6th for a status

24 report.

25 MR. KUMAR: So I just have a quick

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1 procedural question, then, Your Honor. If -- if that

2 deadline for the supplemental testimony is to be

3 determined, should it still be accompanied by a sort of

4 a motion to supplement our testimony, a written motion?

5 JUDGE DOROSHKIN: Yes, please do so.

6 MR. KUMAR: Okay. We can do that.

7 JUDGE DOROSHKIN: Okay. Are there any other

8 questions on the procedural schedule?

9 Hearing nothing, okay. Is there anything

10 else that we need to address today?

11 Hearing nothing, then I will issue an order

12 shortly on the procedural schedule as is in the other

13 matters that we have discussed here today. We are

14 adjourned. Thank you.

15 (Adjourned at 2:04 p.m.)

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

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

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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