

Docket No. UE-190458 - Vol. II

In the Matter of: Pacific Power & Light
Company

November 21, 2019



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET UE-190458
TRANSPORTATION COMMISSION,)

)
)
)
vs.)
)

PACIFIC POWER & LIGHT)
COMPANY)
)

PREHEARING CONFERENCE, VOLUME II

Pages 85-97

ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN

November 21, 2019

1:30 p.m.

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

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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.

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

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

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

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

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.

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

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.

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

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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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, CCR 3358