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BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of the Application of	)	
	)	
THE WASHINGTON WATER POWER COMPANY	)	Docket No. UE-941053
	)	
a Washington corporation; SIERRA	)	Docket No. UE-941054
PACIFIC POWER COMPANY, SIERRA	)	Volume 1
PACIFIC RESOURCES, and RESOURCES	)	Pages 1 - 47
WEST ENERGY CORPORATION, Nevada	)	
corporations, to Merge into	)	
RESOURCES WEST ENERGY CORPORATION;	)	
and Authorizing Issuance of	)	
Securities, Assumption of	)	
Obligations, and Adoption of	)	
Tariffs.	)	
-----	)	

A prehearing conference in the above matter was held on October 4, 1994, at 9:30 a.m. at 1300 South Evergreen Park Drive Southwest before Administrative Law Judge ELMER E. CANFIELD.

The parties were present as follows:

WASHINGTON WATER POWER COMPANY and RESOURCES WEST ENERGY CORPORATION, by DAVID J. MEYER, Attorney at Law, 1200 Washington Trust Building, 717 West Sprague Avenue, Spokane, Washington 98204.

SIERRA PACIFIC POWER COMPANY and SIERRA PACIFIC RESOURCES, by DAVID NORRIS, Attorney at Law, 6100 Neil Road, Reno, Nevada 89520.

CITIZENS UTILITIES COMPANY, by STEPHEN J. KENNEDY, Two Union Square, Suite 5450, 601 Union Street, Seattle, Washington 98101.

PUGET SOUND POWER & LIGHT COMPANY, by ROBERT M. MCKENNA, Attorney at Law, 411 - 108th Avenue Northeast, Suite 1800, Bellevue, Washington 98004.  
Jennifer Hickok, CSR  
Court Reporter

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WASHINGTON INDUSTRIAL COMMITTEE FOR FAIR  
UTILITY RATES, by GRANT E. TANNER and MICHAEL J. UDA,  
Attorneys at Law, 2300 First Interstate Bank Tower, 1300  
Southwest Fifth Avnue, Portland, Oregon 97201.

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NORTHWEST CONSERVATION ACT COALITION and  
SPOKANE NEIGHBORHOOD ACTION PROGRAMS, by LINDA K. WILLIAMS,  
Attorney at Law, 10266 Southwest Lancaster Road, Portland,  
Oregon 97232.

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NORTHWEST CONSERVATION ACT COALITION, by SARA  
PATTON, 217 Pine Street, Seattle, Washington 98112.

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SPOKANE NEIGHBORHOOD ACTION PROGRAMS, by DON  
ANDRE, Housing Improvements Director, East 2116 First  
Avenue, Spokane, Washington 99202.

10

PUBLIC COUNSEL, by DONALD T. TROTTER, Assistant  
Attorney General, 900 Fourth Avenue, Suite 2000, Seattle,  
Washington 98164.

12

WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION STAFF, by JEFFREY D. GOLTZ and SALLY G.  
JOHNSTON, Assistant Attorneys General, 1400 South  
Evergreen Park Drive Southwest, Olympia, Washington  
98504.

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I N D E X

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WITNESSES:

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NONE

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EXHIBITS:

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(COLLOQUY)

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P R O C E E D I N G S

JUDGE CANFIELD: This prehearing conference will please come to order.

We are convened In the Matter of the Application of the Washington Water Power Company, a Washington corporation; Sierra Pacific Power Company, Sierra Resources, and Resources West Energy Corporation, Nevada corporations, to Merge into Resources West Energy Corporation; and Authorizing Issuance of Securities, Assumption of Obligations, and Adoption of Tariffs; Docket Nos. UE-941053 and UE-941054.

The matter is being held on due and proper notice to all interested parties at Olympia, Washington, on Tuesday, October 4, 1994. This prehearing conference is being conducted by Elmer Canfield, Administrative Law Judge, of the offices of administrative hearings. The commissioners will be presiding at the evidentiary hearings to be held later.

At today's session we will be taking up matters such as appearances, interventions, the schedule, discovery-related issues, the marking of exhibits for identification. I will be addressing those and other preliminary matters at today's prehearing conference.

I would like to start by taking appearances, beginning with the companies, please.

(COLLOQUY)

1 MR. MEYER: Thank you.

2 Appearing on behalf of the Washington Water  
3 Power Company and Resources West Energy Corporation is  
4 David J. Meyer, our law office address and phone number  
5 will appear in the appearance form that I will provide.

6 Thank you.

7 JUDGE CANFIELD: Could I get it for the record  
8 just in case I might not receive a copy of the appearance  
9 form itself?

10 MR. MEYER: Surely. 1200 Washington Trust  
11 Financial Center, Spokane, Washington 99204; the phone  
12 number is (509) 455-6000.

13 JUDGE CANFIELD: Thank you.

14 MR. MEYER: Thank you.

15 MR. NORRIS: Thank you, Your Honor.

16 On behalf of Sierra Pacific Power Company and  
17 Sierra Pacific Resources my name is David Norris. I would  
18 also like to enter an appearance at this time on behalf of  
19 Connie Westadt, both of us are in-house attorneys for those  
20 two corporations. Our address is the same one that  
21 appears for the corporation, 6100 Neil, N-e-i-l, Road,  
22 Reno, Nevada 89520; my phone number is area code (702)  
23 689-3939.

24 JUDGE CANFIELD: Thank you.

25 MR. KENNEDY: Good morning.

(COLLOQUY)

1                   My name is Steve Kennedy. I am here today on  
2 behalf of intervenor Citizens Utilities Company. I  
3 apologize, I do not have a written intervention so I would  
4 read my address carefully. The law firm is Ater, Wynne,  
5 Hewitt, Dodson & Skerritt; the address is Two Union Square,  
6 Suite 5450, 601 Union Street, Seattle, 98101; and the  
7 telephone number is area code (206) 623-4711.

8                   I would like to also enter the appearance of  
9 Arthur Butler, with the same law firm, and in-house counsel  
10 L. Russell Mitten, M-i-t-t-e-n. The address for Mr. Mitten  
11 is Citizens Utility Capital Corp., High Ridge Park,  
12 Stanford, Connecticut 06905; the phone number is (203)  
13 329-5047.

14                   JUDGE CANFIELD: Does anyone need any of those  
15 repeated?

16                   MR. KENNEDY: And I have business cards I  
17 would be happy to hand for the firm name spelling and  
18 address.

19                   JUDGE CANFIELD: That would be appreciated  
20 then.

21                   MR. KENNEDY: Thank you.

22                   JUDGE CANFIELD: Okay.

23                   Next.

24                   MR. McKENNA: Thank you, Your Honor.

25                   Robert M. McKenna appearing on behalf of Puget

(COLLOQUY)

1 Sound Power & Light Company, petitioner to intervene. I am  
2 with the Perkins Coie Law Firm; address, 411 - 108th Avenue  
3 Northeast, Suite 1800, Bellevue, Washington 98004-5584; the  
4 phone number, area code (206) 453-6980.

5 JUDGE CANFIELD: Thank you.

6 Next, please.

7 MR. TANNER: Good morning.

8 My name is Grant Tanner. I am representing the  
9 Washington Industrial Committee for Fair Utility Rates,  
10 normally abbreviated as WICFUR, W-I-C-F-U-R. I am with the  
11 Davis, Wright, Tremaine Law Firm at 2300 First Interstate  
12 Bank Tower, 1300 Southwest Fifth Avenue, Portland, Oregon  
13 97201; and my phone number is (503) 241-2300. I am  
14 accompanied today by Michael J. Uda, U-d-a, who will be the  
15 primary counsel for WICFUR in this case, at the same  
16 address.

17 JUDGE CANFIELD: Thank you.

18 MS. WILLIAMS: I am Linda Williams. I am here  
19 today representing two potential intervenors. There are a  
20 number of people here who did not receive my fax, so I  
21 guess I will go through this slowly.

22 The first intervenor is the Northwest  
23 Conservation Act Coalition, and the client representative,  
24 Ms. Sara Patton, is here at my left.

25 The second intervenor is the Spokane

(COLLOQUY)

1 Neighborhood Action Program, and Mr. Don Andre, on my  
2 right, will be the client representative for that entity.

3 My name is Linda, middle initial K., last name  
4 Williams; my address is 10266 Southwest Lancaster Road,  
5 that's in Portland, Oregon 97219; telephone number, (503)  
6 293-0399.

7 JUDGE CANFIELD: Did you file that petition  
8 with the Commission?

9 MS. WILLIAMS: Your Honor, I served courtesy  
10 copies by fax on your office, the Commission's office and  
11 several of the parties. I have the written 19 copies, and  
12 I think enough to go around, whatever would be convenient.  
13 It's kind of a housekeeping matter, but I do have hard  
14 copy originals.

15 JUDGE CANFIELD: You do have copies available  
16 for the parties today, as well as the fact that you are  
17 going to be submitting those and filing them with the  
18 Commission later today?

19 MS. WILLIAMS: That's correct.

20 JUDGE CANFIELD: Okay.

21 Next, please.

22 MR. TROTTER: My name is Don T. Trotter,  
23 Assistant Attorney General, appearing for the Public  
24 Counsel Section of the Attorney General's office. My  
25 address is 900 Fourth Avenue, Suite 2000, Seattle,



(COLLOQUY)

1 Washington 98164; and my telephone number is (206)  
2 389-2055.

3 JUDGE CANFIELD: Thank you.

4 MS. JOHNSTON: Appearing for Commission Staff,  
5 Sally G. Johnston, Assistant Attorney General, also  
6 appearing is Jeffrey D. Goltz, Assistant Attorney General;  
7 our address is 1400 South Evergreen Park Drive Southwest,  
8 Olympia, Washington 98504.

9 JUDGE CANFIELD: Thank you.

10 Any other appearances being made at this time?

11 Let the record reflect there are no additional  
12 appearances being made.

13 I will note that there was one additional  
14 petition for intervention filed, and that being the  
15 petition of Pacific Gas Transmission Company, that was  
16 filed with the Commission on September 28, 1994. I haven't  
17 been advised that they were not planning to appear at  
18 today's prehearing conference.

19 Maybe I will just ask if anyone else has been  
20 advised one way or the other by this party whether they  
21 were planning to attend today?

22 MR. MEYER: We have not.

23 JUDGE CANFIELD: With that, maybe they are just  
24 running late; but there was that one additional petition  
25 filed, and there are no additional appearances being made

(COLLOQUY)

1 at this time.

2                   We will be taking up those preliminary matters  
3 that I discussed. It would make the most sense I guess to  
4 take up the interventions first, and I don't have any  
5 particular order in mind. Why don't we take them up in the  
6 order that we took appearances.

7                   Mr. Kennedy, I guess you were the first. You  
8 indicated that you did not file a petition for intervention  
9 but that you were going to be orally moving to intervene at  
10 today's session.

11                   MR. KENNEDY: Yes, Your Honor.

12                   Citizens Utilities Companies is a diversified  
13 public utility providing a wide range of services,  
14 including telecommunications, natural gas, electric and  
15 water or waste water services in 13 states; Arizona,  
16 California, Colorado, Hawaii, Idaho, Illinois, Indiana,  
17 Louisiana, Ohio, Oregon, Pennsylvania, Vermont and  
18 Washington.

19                   Citizens interest in this proceeding is due to  
20 the wide-ranging impact of the proposed merging into  
21 Resources West. Citizens concerns include the terms and  
22 conditions of the proposed merger, the effect of those  
23 terms and conditions on service in those states where the  
24 service is provided, the standards for approval of the  
25 proposed merger that will be imposed by the -- or used by

(COLLOQUY)

1 the Commission here, and any conditions that may be imposed  
2 by the Commission, and in particular the possible  
3 precedential effect that those conditions in this  
4 proceeding may have on other proceedings in the other  
5 states.

6                   For that reason, Citizens requests permission  
7 to intervene in this case to ensure that its interests are  
8 represented, and Citizens feels that there is no other  
9 party to these proceedings that can adequately represent  
10 its interests.

11                   JUDGE CANFIELD: Does that complete your motion  
12 for intervention then?

13                   MR. KENNEDY: Yes, Your Honor.

14                   JUDGE CANFIELD: Okay. Questions? Comments?  
15 Objections?

16                   MR. MEYER: Yes, Your Honor, Water Power  
17 objects to the motion to intervene.

18                   I should note at the outset that with respect  
19 to all other petitions that we have seen, including the  
20 petition filed by Puget Sound Power & Light Company  
21 yesterday, we have no objection. The intervention by Puget  
22 Sound serves to nicely contrast that intervenor with this  
23 intervenor. Puget Sound does make the argument, and  
24 appropriately so, that they have an interest in this  
25 proceeding by virtue of a purchase-and-sale agreement with

(COLLOQUY)

1 Water Power. The allegation is that -- or the suggestion  
2 is that the costing mechanisms set forth in that agreement  
3 may or may not be affected; and so they do establish, at  
4 least in this attorney's opinion, that they're requisite  
5 nexus. So we don't object to Puget's intervention.  
6 Contrast that issue, if you will, with the representations  
7 of counsel for Citizens arguing an undefined "wide ranging  
8 impact," and counsel hasn't provided any specific  
9 discussion of how precisely his client or his constituency  
10 would be affected by this merger. They do not serve any  
11 customers in this jurisdiction or in Nevada, insofar as I  
12 know, that would be directly impacted. They do not have  
13 any contractual arrangements, as does Puget with Water  
14 Power, insofar as I know. So their interest, while they  
15 may have a general interest in a merger application of this  
16 sort, they haven't established a specific concern or  
17 interest in these merger proceedings. They haven't  
18 demonstrated how their constituency would be affected or  
19 any contractual relationships to the joint applicants. So  
20 I object.

21 JUDGE CANFIELD: I will get back to you,  
22 Mr. Kennedy, momentarily; but first I will ask if there are  
23 any additional comments or objections?

24 MS. JOHNSTON: The staff would concur with  
25 Mr. Meyer and his objection to the Citizens Utilities

(COLLOQUY)

1 Company's intervention in this case. Unless I am missing  
2 something, they're not customers and I don't believe that  
3 they have demonstrated a requisite interest in these  
4 proceedings to be allowed an intervention.

5 MR. TROTTER: For the Public Counsel Section,  
6 we would join the objection until Mr. Kennedy can provide a  
7 sufficient interest that this Commission is authorized to  
8 consider.

9 I hope you won't prejudge the Puget motion yet,  
10 because I have a couple of questions on that and Mr.  
11 Meyer and jump to that one. But for Citizen  
12 Utilities, there does not yet seem to be a sufficient  
13 interest that this Commission is required to consider  
14 in this proceeding. Until that is shown, we will join  
15 the objection.

16 JUDGE CANFIELD: No others? Okay.

17 I indicated I would get back to Mr. Kennedy,  
18 then. You have heard the objections, Mr. Kennedy, I will  
19 allow you an opportunity to respond.

20 MR. KENNEDY: Thank you.

21 I would respond by saying this, it's true that  
22 Citizens does not have as direct an interest in Washington  
23 State as Puget; however, this case, in order for this  
24 merger to go through, it's going to be considered in  
25 several states, and this Commission will be developing

(COLLOQUY)

1 standards for mergers that may be applied in the future.  
2 The concern, the chief concern is regarding precedence that  
3 may be set for future mergers that may come down and that  
4 Citizens may be involved in.

5                   We are concerned about these precedential  
6 impacts, for example, regarding issues such as power  
7 wheeling and we're concerned about the corresponding  
8 impacts on proceedings in the other states where Citizens  
9 does have a substantial number of customers. So for that  
10 reason we believe it's appropriate for us to be able to  
11 intervene in this proceeding.

12                   JUDGE CANFIELD: Does that conclude your  
13 response then?

14                   MR. KENNEDY: Yes.

15                   Thank you.

16                   MR. MEYER: May I be permitted just a brief  
17 followup?

18                   JUDGE CANFIELD: Go ahead.

19                   MR. MEYER: Thank you.

20                   Again, listening carefully, the only specific  
21 concern articulated was with reference to wheeling, power  
22 wheeling. The issues regarding transmission access and  
23 network transmission service or point-to-point transmission  
24 service are all part and parcel of a FERC filing that has  
25 been made and noticed. I am not aware that Citizens

(COLLOQUY)

1 intervened in FERC at the FERC level, but certainly those  
2 transmission access issues are very much there for FERC to  
3 pass on, less so at the state level because the state  
4 jurisdiction, while it does concern itself with access,  
5 FERC is the primary jurisdiction governing such matters.  
6 But more generally, the argument that somehow standards may  
7 be created and it may have precedential value by virtue of  
8 of what this Commission does and may have a carryover  
9 effect to other jurisdictions really is no argument for  
10 intervention. The same argument could be made of any  
11 entity anywhere within the 50 states. A Florida entity  
12 could argue that something done in the state of Washington  
13 could have or could be cited as precedence. So at some  
14 point I submit, in the interest of economy in these  
15 proceedings and in moving this case along, you need to draw  
16 a line, and I think that this just is beyond the line.

17 MR. KENNEDY: May I?

18 JUDGE CANFIELD: Okay. I will go one round and  
19 then get back to Mr. Kennedy and then make a ruling.

20 Any additional comments that have not already  
21 been made?

22 MR. TROTTER: We agree that the precedential  
23 interest is insufficient.

24 JUDGE CANFIELD: Okay, that comment by  
25 Mr. Trotter.

(COLLOQUY)

1                   No others? Okay.

2                   Mr. Kennedy?

3                   MR. KENNEDY: Just a brief response to the  
4 economy issue of our intervention.

5                   By intervening we do not intend to broaden the  
6 scope of these proceedings or delay the matter in any way.  
7 We simply wish to protect our interests. We are concerned  
8 about the precedential impacts in the other proceedings  
9 that are undoubtedly going to follow with respect to this  
10 particular merger, and it's not simply a generalized  
11 concern about precedential impacts in the future, it's  
12 concerning this particular merger.

13                  JUDGE CANFIELD: Okay.

14                  MR. KENNEDY: Thank you.

15                  JUDGE CANFIELD: I have been listening as well,  
16 and I am going to agree with the objections. I don't think  
17 sufficient interest has been shown for intervention status,  
18 and I am going to deny the motion for intervention.

19                  I assume that you might contact one party or  
20 another to hopefully work out some informal type  
21 arrangement, such that some interests that you might have  
22 might be coordinated with another party, if they see fit to  
23 work with you in that respect. But as far as the  
24 intervention status of the Citizens Utilities Company, I am  
25 going to rule that sufficient interest has not been shown



(COLLOQUY)

1 and the intervention status is denied.

2 MR. KENNEDY: Thank you, Your Honor.

3 In light of the ruling, I am going to absent  
4 myself from the hearing, if that's okay.

5 JUDGE CANFIELD: Okay.

6 MR. KENNEDY: Thank you.

7 JUDGE CANFIELD: I believe the next one in  
8 order that we took was the appearance from Robert McKenna.

9 MR. MCKENNA: Yes, sir. Thank you.

10 JUDGE CANFIELD: Okay.

11 MR. MCKENNA: If I just may state our interest  
12 in the proceedings to begin with.

13 Puget Power is a Washington corporation  
14 located in Bellevue, Washington, serving much of  
15 Western Washington. It is a utility with over 780,000  
16 customers. Puget has the following substantial  
17 interest in this proceeding.

18 Puget Power is interconnected with the  
19 Washington Water Power Company and purchases wholesale  
20 power and transmission services from Water Power. For  
21 example, Puget has a 15-year agreement for purchase and  
22 sale of firm capacity and energy dated as of January 1,  
23 1988, which provides for the purchase by Puget from Water  
24 Power of 100 megawatts of firm capacity and a certain  
25 amount of associated energy from Water Power annually from



(COLLOQUY)

1                   MR. NORRIS: I think you can assume that, Your  
2 Honor, unless I say something to the contrary, which is  
3 unlikely.

4                   JUDGE CANFIELD: That is --

5                   MR. MEYER: Then we will ask for the  
6 opportunity to caucus.

7                   JUDGE CANFIELD: Okay. And --

8                   MS. JOHNSTON: The staff has no objection, Your  
9 Honor.

10                  MS. TROTTER: I would just ask counsel, are  
11 these interconnection agreements subject to this  
12 Commission's jurisdiction?

13                  MR. MCKENNA: To be honest, I mainly do federal  
14 regulatory work and they are all subject to federal  
15 regulation. We have the petition to intervene at the  
16 Federal Energy Regulatory Commission as well. I believe  
17 that at some level they are subject to Commission  
18 review, I am not familiar with the terms of that  
19 review, however.

20                  MR. TROTTER: That does raise a question in my  
21 mind, Your Honor. If these are subject to federal  
22 regulations, there are certain preemption rules that apply  
23 that the Commission may have no control over how they  
24 are passed through to the customers. And if so, it's  
25 definitely not an interest that the Commission would

(COLLOQUY)

1 be entitled to consider in these proceedings. If  
2 these contracts are subject to Commission regulations  
3 and would be passed through to rate payers that are  
4 protected by Commission laws and rules, I would have  
5 no problem with that.

6 MR. MCKENNA: I think I could address that  
7 point.

8 The 15-year agreement, which I mentioned, is  
9 based on the rate for the -- the purchases that Puget Power  
10 makes are based on the average power costs of the  
11 Washington Water Power Company, and that in turn is based  
12 on a calculation, a formula which includes, among other  
13 factors, the WUTC authorized rate of return on common  
14 equity. The agreement is set so that although there is  
15 also a reference to a FERC authorized ROE, it cannot exceed  
16 the Washington authorized ROE. So the Washington  
17 authorized ROE becomes the highest rate. Basically I guess  
18 the way I would summarize it is that the merger may affect  
19 the Washington Power's costs and therefore our costs and  
20 our rate payers; and, of course, our costs of power are  
21 factored into our own rate making, and therefore we have an  
22 interest in how those costs are affected by Water Power's  
23 because of this agreement.

24 MR. TROTTER: Is this the -- would you agree  
25 this is a very narrow intervention? You're just here to

(COLLOQUY)

1 address the impacts on the specific contracts that will be  
2 affected by changing costs of the Washington Water Power  
3 Company?

4 MR. MCKENNA: I think that it's difficult to  
5 predict what issues will be raised by the parties or by  
6 other intervenors. I think more generally, we would be  
7 addressing the proposed merger and reorganization's  
8 potential effects on Water Power's costs for -- or costs of  
9 rates as those affect Puget Power's rate payers and Puget  
10 Power's costs.

11 MR. TROTTER: Well, Your Honor, it does -- it  
12 still seems to me that if these are FERC approved  
13 transactions, the Commission has no jurisdiction,  
14 other than to pass through, if that's the case. It  
15 seems to be extremely -- the interests that this  
16 Commission would be permitted or required by statute  
17 to consider are very, very narrow indeed.

18 So I guess I will state an objection to the  
19 intervention, and you can rule.

20 JUDGE CANFIELD: Okay. And you have responded  
21 then, Mr. McKenna?

22 MR. MCKENNA: I would just restate that I don't  
23 think it's so narrow as that -- that insofar as our costs  
24 are directly affected by Water Power's costs under this  
25 contract, and although, for example, the 15-year agreement

(COLLOQUY)

1 is subject to FERC jurisdiction, Water Power's costs under  
2 -- that are factored into that agreement will be affected  
3 by this merger. It is a very substantial contract and it  
4 is not the only contract which we have the Washington Water  
5 Power Company. There are others, and quite possibly there  
6 are others that are subject to greater WUTC jurisdiction,  
7 which I am not aware of.

8                   JUDGE CANFIELD: The comments of Mr. Trotter  
9 are well taken, but I am going to rule that sufficient  
10 interest has been shown, and maybe the interest is of a  
11 narrower scope as mentioned by Mr. Trotter. I will note in  
12 the petition for intervention that at the point of filing  
13 the petition, the petitioner indicated that it did not, at  
14 that point, intend to submit written testimony and  
15 exhibits, but it did intend to cross examine the witnesses  
16 called by others, as well as submit written arguments and  
17 motions and that.

18                   Do you anticipate that that is still the case,  
19 or is that subject to change, Mr. McKenna?

20                   MR. MCKENNA: I think whether or not we  
21 actually cross examine witnesses called by other parties  
22 will depend on who the witnesses are, and, of course, we  
23 don't know who they are yet.

24                   JUDGE CANFIELD: I was concerned about the  
25 cross examination, and submitting testimony and exhibits, I

(COLLOQUY)

1 don't know if that is still the --

2 MR. MCKENNA: That's correct. Presently, Puget  
3 Power does not intend to submit written testimony or  
4 exhibits or call its own witnesses to testify.

5 JUDGE CANFIELD: Okay. I will, as I have  
6 indicated, rule that sufficient interest in the matter has  
7 been established and the petition for intervention of Puget  
8 Sound Power & Light Company is granted.

9 MR. MCKENNA: Thank you, Your Honor.

10 JUDGE CANFIELD: Who is next? Mr. Tanner?

11 MR. TANNER: Thank you.

12 WICFUR's members that are interested in this  
13 proceeding are listed on Page 1 of the petition to  
14 intervene. They're all industrial customers of the  
15 Washington Water Power Company.

16 Our interest in this proceeding is as customers  
17 of the utility, there are various rate and service-related  
18 implications to this merger that the company has already  
19 provided testimony on and so forth. Our purpose in this  
20 proceeding would be basically to monitor the course of the  
21 case and be able to respond to issues as they may come up.

22 Right now we have no intention of filing  
23 testimony of our own, but this is a very complicated case,  
24 it fills up a rather large box, and many issues can come up  
25 over the course of this case that WICFUR's members may have

(COLLOQUY)

1 an interest in. So as customers of the utility I think we  
2 have an interest in the case and should be granted  
3 intervention.

4 JUDGE CANFIELD: Okay. I will note, in the  
5 petition you indicate your attorneys are you and Mr. Uda.  
6 Would you anticipate just one copy being served on you at  
7 that address?

8 MR. TANNER: Actually, I think the point of  
9 contact should be Mr. Uda at the address stated in the  
10 petition.

11 JUDGE CANFIELD: Okay. That being the same  
12 address, but one copy would be sufficient?

13 MR. TANNER: That's correct. Yes.

14 JUDGE CANFIELD: So Mr. Uda being the primary  
15 counselor then?

16 MR. TANNER: Uh-huh.

17 JUDGE CANFIELD: Any comments or objections to  
18 the petition for intervention of WICFUR?

19 MR. MEYER: Joint applicants do not object.

20 MS. JOHNSTON: No objection.

21 JUDGE CANFIELD: None from Mr. Trotter.

22 The petition for intervention of Washington  
23 Industrial Committee of Fair Utility Rates is granted. As  
24 indicated, the primary counsel and the one to be serving is  
25 Mr. Uda.



(COLLOQUY)

1 Ms. Williams?

2 MS. WILLIAMS: The petitioners, NCAC and SNAP,  
3 wish to be considered separately, and I believe the NCAC  
4 petition comes first in order.

5 Does Your Honor have a copy?

6 JUDGE CANFIELD: I did receive a copy, yes.  
7 Now that's been faxed to certain parties and not yet filed  
8 with the Commission.

9 MS. WILLIAMS: That is correct. Do you need a  
10 hard copy for your record?

11 JUDGE CANFIELD: I have got a fax of it, and if  
12 it's the same as the hard copy that you will be referring  
13 to, I don't need a copy at this point. I will get one once  
14 it's filed with the Commission.

15 MS. WILLIAMS: NCAC moves to be granted full  
16 intervention, general intervention status in this  
17 proceeding. I think all of the parties or potential  
18 parties are aware of NCAC and its many efforts on behalf of  
19 conservation and demand side management programs. It's  
20 been involved in Water Power cases in the past and in a  
21 number of Commission proceedings dealing with DSM and  
22 rates in general.

23 NCAC is a coalition, and those of you that have  
24 the petition can note that it has increased its size, its  
25 membership and its scope since probably the last petition

(COLLOQUY)

1 was filed. It represents over 60 organizations and many  
2 individuals in the four Northwest states and in British  
3 Columbia, public and private utilities, some low income  
4 action agencies, many environmental groups, and several of  
5 the interested public involvement groups.

6           In this particular proceeding, NCAC would  
7 address issues related to conservation, the public policy  
8 implications of the merged utility incentives and  
9 disincentives that may be caused by the merger. If anyone  
10 has specific questions, I would suggest they address them  
11 to Ms. Patton, who is here; but I think NCAC's  
12 longstanding, and with the generally useful participation  
13 in the proceedings of this kind, I would suspect there  
14 would not be any serious questioning.

15           On the basis of the petition and the fact that  
16 NCAC will represent a unique interest, which is not  
17 otherwise specifically the mission of any of the other  
18 parties, we would move for intervention.

19           JUDGE CANFIELD: And I assume that all parties  
20 have received a copy of the petition that has been referred  
21 to by Ms. Williams. If not, she indicates that they are  
22 available and she has them to distribute.

23           Any comments or objections?

24           MR. MEYER: Just a point of clarification.

25           I know we haven't taken up the SNAP

(COLLOQUY)

1 intervention yet, but is SNAP a member of NCAC?

2 MS. PATTON: It is.

3 MR. MEYER: It is, okay.

4 Would NCAC through their witnesses also be  
5 speaking for and on behalf of SNAP?

6 MS. PATTON: Since SNAP will also be a party, I  
7 think there would be -- SNAP would be able to speak on some  
8 behalf.

9 MS. WILLIAMS: I think the -- if I understand  
10 the question, as I understand it, is to avoid duplication  
11 and to burdened the proceedings, and I would like --  
12 if this is an appropriate time, I can describe briefly  
13 the separate and distinct interest of SNAP, or Mr.  
14 Andre can. I don't know if this should be done in  
15 this motion or in the next motion. So whatever the  
16 hearing officer thinks is an orderly way to proceed.

17 JUDGE CANFIELD: Well, I think it would allow  
18 the inquiry to be on the table so that there would be more  
19 information to deal with. So why don't you go ahead and  
20 make the presentation for the intervention of SNAP as well,  
21 and then we would at least have the information available.

22 MS. WILLIAMS: Fine.

23 We also seek that intervention status be  
24 granted separately to the organization known as the Spokane  
25 Neighborhood Action Program. This is a nonprofit

(COLLOQUY)

1 organization which specifically is devoted to providing  
2 services and advocacy for low income clients in Spokane  
3 County, Washington.

4                   SNAP is itself a Washington Water Power rate  
5 payer. The reason that SNAP seeks separate status at this  
6 point in the proceeding is that NCAC is, in fact, a  
7 coalition, and as the utility members, some of whom are  
8 present, are aware, occasionally the NCAC board authorizes  
9 action which individual members or groups of members can  
10 choose not to support or not to fund. And in this  
11 particular situation, the resources of SNAP with its  
12 particular low income clientele, its mission of public  
13 education and involvement in Spokane and its direct concern  
14 with customer service and the delivery of DSM through  
15 working with programs and services which utilize matching  
16 funds, such as the weatherization programs, it has a  
17 unique relationship to low income end users in low income  
18 DSM providers, and it also can be a conduit for customer  
19 and service oriented questions in a manner that NCAC, with  
20 a more institutional policy interest, cannot be. For  
21 example, Water Power in the past has been a good  
22 appropriate citizen and has had excellent customer  
23 relations, and those are particularly the kinds of issues  
24 that the residential low income customers would be most  
25 interested in seeing preserved in a merged or no longer

(COLLOQUY)

1 locally owned utility.

2                   So although both parties will seek to combine  
3 their efforts and will do so through a single attorney,  
4 they would like to reserve the potential for either finding  
5 funding sources on a particular interest to either SNAP or  
6 to NCAC, or to have the opportunity to present a witness  
7 which might not be a general interest to the NCAC mission  
8 but might be a particular interest to low income people.  
9 But there is no -- on most matters and potentially they  
10 would have -- they would sponsor witnesses jointly and  
11 cross examination and whatever motions would be filed  
12 through a single attorney.

13                   JUDGE CANFIELD: Any additional questions or  
14 comments, Mr. Meyer?

15                   MR. MEYER: Yes. Again, I am not trying to be  
16 difficult. I just want to understand how your involvement  
17 will play itself out.

18                   Would there be or might there be situations  
19 where SNAP and NCAC have different positions on the same  
20 issue?

21                   MS. WILLIAMS: Well, I suppose theoretically  
22 that's always possible. The differences would not reach  
23 this forum; however, as I said, they have different funding  
24 sources and somewhat different missions. It is entirely  
25 possible that through the efforts of fund raising or a

(COLLOQUY)

1 funding source finances will be found to sponsor a witness  
2 which is a particular interest, for example, to low income  
3 service providers, and that would be a SNAP witness and  
4 perhaps jointly sponsored by NCAC; but we would not want to  
5 preclude the possibility of offering different witnesses  
6 addressing the specific overall concerns of each  
7 organization. But we're not going to have a situation that  
8 would be ethically impossible and it would -- and as a  
9 matter of board politics, we're not going to come in and be  
10 cross examining each other, or -- I won't wear two hats in  
11 the proceeding.

12 MR. MEYER: Well, that's what I was getting at.

13 MS. WILLIAMS: I will not burden the proceeding  
14 by any internal disagreements that the organizations may  
15 have.

16 MR. MEYER: So we shouldn't expect to see  
17 testimony or positions taken by these two intervenors that  
18 are -- insofar as they are represented just by you that are  
19 inconsistent with one another?

20 MS. WILLIAMS: No. They will not be  
21 inconsistent. They will be complimentary, and they  
22 may, in fact, be able to broaden their issues by being  
23 able to find a witness on low income service issues  
24 and other -- and NCAC may be able to provide witnesses  
25 and expertise and staff for other kinds of experts,

(COLLOQUY)

1 but we will not have dueling experts.

2                   Also, I might point out that in terms of staff  
3 involvement, the SNAP staff in Spokane will be working with  
4 residential rate payers and providing a forum and also for  
5 the public hearings that the companies will have in those  
6 locales. Whereas NCAC staff will be provided most of the  
7 technical assistance and logistical support. So they will  
8 be very complimentary, at least as far as this proceeding  
9 is concerned.

10                   MR. MEYER: I see.

11                   And a secondary clarification goes to the  
12 doubling up of issues. Even if they're taking consistent  
13 positions, will SNAP witnesses -- or I should say, might  
14 SNAP witnesses and NCAC witnesses be addressing the same  
15 issue but in separate pieces of testimony? And this gets  
16 to the heart of whether this is an economical way to get  
17 your case presented and heard by this Commission.

18                   MS. WILLIAMS: I would -- in all candor, I wish  
19 we had the luxury to have double witnesses on points that  
20 we share; but, no, my expectation -- I think the clients'  
21 expectation is that we would jointly support relevant  
22 witnesses who could cover as many of the joint points as  
23 possible, but we would not be cumulative.

24                   MR. MEYER: And then you would be cross  
25 examining at the same time really on behalf of both?

(COLLOQUY)

1 MS. WILLIAMS: That is correct.

2 MR. MEYER: Okay. Fine. Thank you for the  
3 clarification.

4 JUDGE CANFIELD: Okay. Any comments further  
5 than that, Mr. Meyer? Any objection to the intervention?

6 MR. MEYER: No objection with those  
7 clarifications.

8 JUDGE CANFIELD: Okay.

9 MS. JOHNSTON: I believe that SNAP's  
10 intervention in this proceeding and NCAC's intervention, I  
11 don't think that SNAP can truly divorce itself from NCAC's  
12 intervention, particularly NCAC's intervention states in  
13 Paragraph 3a that NCAC represents low income action  
14 agencies, clearly SNAP is one. But with Ms. Williams'  
15 clarification that it will jointly sponsor witnesses'  
16 testimony in this case, the staff has no objection.

17 JUDGE CANFIELD: Okay. Any comments,  
18 Mr. Trotter?

19 MR. TROTTER: No.

20 JUDGE CANFIELD: I certainly recognize the  
21 concerns that have been raised in the questioning and that  
22 have been clarified in the answers. In that vein,  
23 the duplication aspects are alleviated and each  
24 intervenor will combine efforts and jointly sponsor  
25 witnesses and we won't have a problem with a



(COLLOQUY)

1 duplication complex that could conceivably crop up.  
2 So I am going to rule that each entity has  
3 demonstrated sufficient interest and the interventions  
4 are granted. The Spokane Neighborhood Action  
5 Program is recognized as an intervenor, and Northwest  
6 Conservation Act Coalition is granted intervention status  
7 as well. The attorney, as has been indicated, is the same,  
8 so the service is to be on the attorney for each, Linda  
9 Williams.

10                   Maybe I can ask again whether there is anyone  
11 here from Pacific Gas Transmission?

12                   As I indicated, the petition for intervention  
13 was filed by that company on September 28, and it wasn't  
14 indicated that they were not planning to attend today's  
15 session. The intervention rule does make allowance for  
16 interventions in the absence of the appearance of the  
17 petitioner, but we usually like to be made aware of that  
18 ahead of time if they weren't planning to attend, but I  
19 will open that up for discussion and comment.

20                   MR. MEYER: Joint applicants have reviewed and  
21 do not object.

22                   JUDGE CANFIELD: Any other comments on that  
23 petition?

24                   MS. JOHNSTON: Well, it's unfortunate that  
25 counsel for PGT is not here, because it seems to me,

(COLLOQUY)

1 reading the motion for intervention, that PGT's interest is  
2 as a seller, and I don't believe that that is sufficient to  
3 allow an intervention status in this case. The fact that  
4 there is a contractual relationship that exists between PGT  
5 and Washington Water Power is inadequate.

6 MR. TROTTER: Our reading of the petition is  
7 similar. It appears that PGT is an interstate pipeline  
8 that supplies services to this company. There are many  
9 entities that supply services to this company that would  
10 not conceivably be granted intervenor status, particularly  
11 since PGT is not regulated by the Commission, just  
12 like Ernst Hardware or Joe's Plumbing are not  
13 regulated by the Commission, but that they may supply  
14 services or products to the company. So I don't  
15 believe they have a sufficient interest to justify  
16 intervention.

17 I concur, it would be helpful if the intervenor  
18 was here, we could ask them to flesh out their rather  
19 sketchy, in my opinion, sketchy petition to intervention,  
20 but that's the risk they take I guess. So we will object  
21 also.

22 JUDGE CANFIELD: Any other comments on that  
23 petition?

24 None? Okay.

25 As has been indicated, the petition is quite

(COLLOQUY)

1 brief. Without having more to go on, I am a bit reluctant  
2 just to grant intervention status, but if that party wishes  
3 to resubmit and maybe address those matters a bit more  
4 fully, I might be subject to revisit that issue. But I  
5 think at this juncture I will deny the intervention status  
6 of Pacific Gas Transmission Company.

7           I will note that they did file a timely  
8 petition, and they are not present here to address those  
9 concerns that have been raised. So I will sustain the  
10 objections to the intervention and deny the intervention of  
11 Pacific Gas Transmission Company. And as indicated, if  
12 they wish to pursue that, it will certainly be up to them  
13 and they will make all parties aware of that; but they  
14 haven't notified us one way or another that they weren't  
15 going to appear today and there are some concerns and  
16 questions on their petition that are left unanswered. So  
17 it was indicated by one of the speakers that they take that  
18 risk. So that petition is denied.

19           I believe those were all of the petitions and  
20 motions for intervention that were submitted to the  
21 Commission. No additional appearances have been made.  
22 We can either proceed or take a short break depending  
23 on which the parties prefer.

24           MS. JOHNSTON: Well, I vote that we just  
25 proceed.

(COLLOQUY)

1                   If I may, I will be more than pleased to  
2 distribute the proposed hearing schedule. Is now a good  
3 time to do that, Your Honor?

4                   JUDGE CANFIELD: We can certainly take that up.  
5 There aren't that many aspects left to do, and without any  
6 request or additional comment to proceed, why don't we go  
7 ahead and attempt to do so.

8                   For the record, Ms. Johnston is distributing  
9 the proposed hearing schedule among the parties.

10                  MR. MEYER: Your Honor, while that is  
11 occurring, just for clarification, will you be preparing an  
12 official service list and mailing that out?

13                  JUDGE CANFIELD: Well, I was going to prepare a  
14 prehearing conference order. Let's see if we usually put  
15 addresses in those. I could get a copy from the records  
16 center, if that would be helpful. I noticed that some of  
17 the certificates had a fairly complete list on them, but  
18 not some of the more recent petitions. If that's being  
19 requested, I could include that in the prehearing  
20 conference order.

21                  MR. MEYER: Would it be helpful to you if we  
22 just circulated a sheet among counsel present, identifying  
23 no more than two people for the agreed service list?

24                  JUDGE CANFIELD: That would be fine.

25                  MR. MEYER: And, also, I might suggest that we

(COLLOQUY)

1 add on that official service list fax numbers in addition  
2 to phone numbers.

3 JUDGE CANFIELD: Okay. That would be helpful.

4 MR. MEYER: I will go ahead and start that.

5 MR. TROTTER: Could I also recommend that each  
6 party designate a single contact person? I think it would  
7 be -- the Commission usually only requires us to serve  
8 documents on one person rather than -- I noticed in some  
9 cases there are two or three people that want documents and  
10 that just becomes a paper waste, in my opinion. So I would  
11 offer that as a suggestion.

12 JUDGE CANFIELD: Okay. That's being requested  
13 that you don't have to serve multiple copies on the various  
14 parties, just designate a single contact person for that  
15 party?

16 MR. TROTTER: Yes.

17 JUDGE CANFIELD: Any --

18 MR. MEYER: We could --

19 JUDGE CANFIELD: -- comments?

20 MR. MEYER: Sorry.

21 I was just going to suggest, that's fine, and  
22 perhaps on this list where we show two representatives for  
23 any party, we could asterisk one of them identifying that  
24 as the person. And it may not necessarily be the attorney,  
25 because much of what will flow back and forth will be

(COLLOQUY)

1 discovery items early on, I want to make sure those get  
2 into the hands of the right party as soon as possible.

3 MR. TROTTER: Your Honor, this seems like a lot  
4 of nitpicking detail, does it need to go into transcript  
5 pages --

6 JUDGE CANFIELD: Yes, it might be a good idea  
7 to discuss some of these matters off the record and come  
8 back on the record with an agreement that has been reached.

9 So I guess some of these matters could be best  
10 left for off-the-record discussion. So I will take a short  
11 off-the-record recess.

12 (Discussion off the record.)

13 JUDGE CANFIELD: We are back on the record now  
14 after a short off-the-record discussion concerning the  
15 service sheet that is being circulated, and there is to be  
16 a person designated on the list. Maybe someone can just  
17 describe what the agreement was on the list? Now I assume  
18 this pertains primarily to discovery now, who would best  
19 describe that for the record, as far as the discovery  
20 procedures as far as the --

21 MR. TROTTER: I understood the list was being  
22 circulated as a service list, which would be the named  
23 attorney, and that each party would designate one attorney  
24 for service of things, like motions, pleadings, testimony,  
25 and that sort of thing. Then the parties would also

(COLLOQUY)

1 designate by an asterisk those persons, attorneys or  
2 otherwise, that would be served with data request and data  
3 responses.

4 JUDGE CANFIELD: Okay. And then a copy of that  
5 is going to be made and given to each party then?

6 MS. JOHNSTON: Yes.

7 JUDGE CANFIELD: Okay. I believe off the  
8 record there was also a discussion of a protective order,  
9 and after some discussion it was agreed that a protective  
10 order would be requested in this matter; is that correct?

11 MR. MEYER: That's correct.

12 JUDGE CANFIELD: Any additional comment on the  
13 protective order?

14 Let the record reflect there are no comments.

15 The protective order will be issued in the form  
16 that the Commission has been using, and hopefully we  
17 will get that out in the next week or so.

18 There was also a brief discussion of the fact  
19 that the discovery rule would be requested in this case.  
20 Who made that comment?

21 MS. JOHNSTON: That's correct.

22 JUDGE CANFIELD: Ms. Johnston, okay, yes.

23 Any comment on that request?

24 Let the record reflect that there are no  
25 additional comments. So the discovery rule WAC 480-09-480

(COLLOQUY)

1 be invoked in this matter, and --

2 MR. MEYER: Just -- may I?

3 JUDGE CANFIELD: Go ahead.

4 MR. MEYER: There is certainly no objection,  
5 but I am not anticipating any trouble being timely in our  
6 responses. We will do, you know, what's possible, but to  
7 the extent that we receive a massive wave and it's hard to  
8 meet the response time, we will do what we can to  
9 informally work things out. And any staggering of the  
10 requests to us would help us respond in time by staggering  
11 the responses, rather than getting it all at once. But I  
12 have worked with counsel before around the table and I am  
13 not anticipating a discovery problem; but essentially this  
14 is a plea for a little bit of flexibility, if the  
15 circumstances warrant.

16 MS. JOHNSTON: Well, I think that the rule only  
17 asks that best efforts be used. I don't think that the  
18 staff is going to be willing to try to coordinate the  
19 issuance of hard data requests with the other parties at  
20 the table, necessarily --

21 MR. MEYER: No, I am not suggesting that.

22 MS. JOHNSTON: But in terms of the hearing  
23 schedule, as we discussed before we went on the record, I  
24 would appreciate your indicating that you are at least  
25 willing to attempt a five-day turn around time to



(COLLOQUY)

1 respond to that data request during the period between  
2 the company's pre-filing of its rebuttal and the cross  
3 of the company's rebuttal.

4 MR. MEYER: We'll do what we can.

5 JUDGE CANFIELD: If you are unable to meet a  
6 five-day turnaround on that, would you immediately notify  
7 staff on that?

8 MR. MEYER: That's correct.

9 JUDGE CANFIELD: Is that sufficient or would  
10 you be requesting something more than that, Ms. Johnston?

11 MS. JOHNSTON: That's sufficient.

12 JUDGE CANFIELD: Okay. Let's turn to the  
13 proposed schedule. The parties have had an opportunity to  
14 look it over, and maybe at this point I can just refer to  
15 it and read it into the record then. There has been no  
16 discussion of any changes from this schedule.

17 The depositions are indicated to take place  
18 sometime during the month of December, 1994. Any more  
19 specifics will be left to be worked out among the parties.

20 MR. TANNER: Your Honor, could I inquire just  
21 at that point? I assume staff will be the one that's  
22 calling for depositions. Is there a period of time for  
23 notice of depositions? Is it like a week or ten days, or  
24 is there anything contemplated as to how much notice will  
25 be given to the other parties and who will be the deponent?

(COLLOQUY)

1                   MS. JOHNSTON: I will make every effort to give  
2 more than five days' notice. Hopefully I will be able to  
3 consult with staff; and, as Mr. Meyer's suggested, perhaps  
4 block out a week of time in December where we can depose  
5 several witnesses.

6                   MR. TANNER: Okay. The reason I ask is I don't  
7 think we would really desire to attend depositions of  
8 everyone that the staff would be deposing, we may want to  
9 attend specific ones.

10                   Thank you.

11                   JUDGE CANFIELD: And Ms. Johnston did indicate  
12 that she would endeavor to give at least five days' notice  
13 on that.

14                   MR. MEYER: And, again, Your Honor, it's my  
15 understanding that when we note a deposition for Witness X,  
16 that all parties will use that opportunity to ask their own  
17 questions of Witness X so that we don't have to recall them  
18 at another date in December.

19                   JUDGE CANFIELD: I think that was the  
20 understanding. Just in case that wasn't clear, that's made  
21 clear for the record then.

22                   Then the cross of the company is set in the  
23 schedule for February 7 through 9 of 1995. The pre-filing  
24 date for staff, public counsel and intervenors is set at  
25 April 17, 1995. The cross of staff, public counsel and

(COLLOQUY)

1 intervenors is set for May 9 through 12 of 1995. The  
2 pre-filing date for company rebuttal is set for June 12,  
3 1995. The cross of company rebuttal is set for July 10 and  
4 11 of 1995; and briefs are due July 28, 1995. That is the  
5 schedule as has been circulated.

6 I will ask at this point then whether there are  
7 any comments or objections to that proposed schedule?

8 MR. MEYER: It's so supported by joint  
9 applicants.

10 JUDGE CANFIELD: And it is generally asked if  
11 there are any other comments?

12 Let the record reflect there are none. So  
13 apparently that schedule is acceptable and agreeable to all  
14 parties. So that schedule will be adopted.

15 I did double-check downstairs and Room 250, the  
16 Commission's hearing room on the second floor, here in  
17 the Chandler Plaza Building, is available on those  
18 dates, and I am assuming that the specifics will be  
19 set forth in the notices of hearing that are going to  
20 be forthcoming; and that schedule is adopted for the  
21 remainder of the proceeding.

22 I don't anticipate that there would be any need  
23 for any more of a specific data request or deposition  
24 schedule, other than what's already been discussed. We  
25 have got the efforts to turn around the information in

(COLLOQUY)

1 a quick fashion and cooperation among the parties, and  
2 we do have a deposition month designated and the  
3 parties are going to be working out the specifics on  
4 that. So there has been no request for any more  
5 specific discovery schedule to be established.

6 MR. MEYER: May I again just note that while we  
7 are not anticipating the need to note our own depositions  
8 after we see the staff intervenor filings, we, of course,  
9 reserve the right to do that. That, of course, is not  
10 blocked into the schedule, because at this point we don't  
11 anticipate using that form of discovery, but we reserve the  
12 right.

13 JUDGE CANFIELD: That's certainly noted for the  
14 record, and hopefully that would fit within the schedule  
15 that has been adopted.

16 I did double-check with the records center and  
17 tried to pare down the possible number of copies that need  
18 to be filed with the Commission, and I was somewhat  
19 successful. It's an original plus 17 that they would be  
20 needing, as opposed to the 19 that the rule calls for. So  
21 you might note that, and I will also note it in the  
22 prehearing conference order that we will be calling for an  
23 original plus 17 copies of pre-filed evidence.

24 The exhibits, the numbering, I don't need  
25 to belabor that, the company did go through and number

(COLLOQUY)

1 them as I would have numbered them anyway. So I don't  
2 need to go through and pre-assign pre-filed numbers  
3 with the exhibit numbers.

4           There has been one revised exhibit which was  
5 submitted, and I assume all parties have received that; but  
6 let me just briefly indicate that the numbering that has  
7 been submitted is acceptable. Now I will briefly indicate  
8 that.

9           The testimony of Paul A. Redmond is an Exhibit  
10 T-1 for identification, and the accompanying exhibits are 2  
11 through 6; the testimony of Walter M. Higgins is identified  
12 as Exhibit T-7, with accompanying Exhibit No. 8; the  
13 testimony of Gary G. Ely is identified as Exhibit T-9, with  
14 accompanying Exhibits 10 through 15; the testimony of  
15 Jon E. Eliassen, identified as Exhibit T-16, with  
16 accompanying Exhibits 17 through 26; the testimony of  
17 W. Lester Bryan, identified as Exhibit T-27 with the  
18 accompanying Exhibits 28 through 31; the testimony of  
19 Gerald W. Canning, identified as Exhibit T-32, with  
20 the accompanying Exhibits 33 through 37; the testimony  
21 of Thomas J. Flaherty, Exhibit T-38, for  
22 identification, with accompanying Exhibits 39  
23 through 43; the testimony of Lawrence J. Pierce identified  
24 as Exhibit T-44, with accompanying Exhibit 45; and lastly  
25 the testimony of John W. Buergel, identified as Exhibit

(COLLOQUY)

1 T-46 with accompanying Exhibits 47 through 48.

2 (Marked Exhibits T-1, 2-6, T-7, 8, T-9,  
3 10-15, T-16, 17-26, T-27, 26-31, T-32, 33-37, T-38,  
4 39-43, T-44, 45, T-46, 47-48.)

5 JUDGE CANFIELD: I will note that the  
6 revision pertained to Exhibit 48; and, Mr. Meyer, a  
7 revised Exhibit 48 was filed and served on the  
8 parties; is that correct?

9 MR. MEYER: I am advised it was. If people  
10 have not, let me know.

11 JUDGE CANFIELD: Okay. He does have copies  
12 available of revised Exhibit 48 again.

13 With that, that is the extent of the  
14 pre-filed testimony and evidence from the company.

15 With that, I will ask if there is anything  
16 further that we haven't covered at the conference today?  
17 Anything further from the company's perspective?

18 MR. MEYER: Not that I know of.

19 JUDGE CANFIELD: Okay.

20 MS. JOHNSTON: Your Honor, just that we have  
21 assigned blocks of data request numbers, but I will send a  
22 letter out memorializing that so the parties have it in  
23 hand.

24 JUDGE CANFIELD: Okay. Yes, there was some  
25 additional discussion of blocks of numbers for data request

(COLLOQUY)

1 that the parties have agreed to, and that will be  
2 apparently observed by the parties. So that is something  
3 that the parties have worked out among themselves.

4 Anything further that anyone has to address  
5 today?

6 Let the record reflect there are no additional  
7 comments.

8 I will endeavor to get a prehearing conference  
9 order out covering the aspects dealt with today. As far as  
10 the service list, I believe the parties are handling that  
11 themselves. There was some discussion earlier by my doing  
12 that in that order, and I think the parties have agreed to  
13 do that and make a copy of the list that has been  
14 circulated, and they will be doing that, I believe,  
15 informally among themselves today.

16 So with that then, I will close this session;  
17 and as indicated, notices of hearing are going to be issued  
18 for further statements of the proceeding, Ms. Johnston?

19 MS. JOHNSTON: That's correct.

20 JUDGE CANFIELD: With that, I thank you all.

21 MS. JOHNSTON: Thank you.

22 JUDGE CANFIELD: This prehearing conference is  
23 adjourned.

24 (Hearing recessed at 11:30 a.m.)

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(COLLOQUY)

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C E R T I F I C A T E

As Court Reporter, I hereby certify that  
the foregoing transcript is true and  
accurate and contains all the facts,  
matters, and proceedings of the hearing  
held on:

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