

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 -----)

4 WASHINGTON UTILITIES &)
TRANSPORTATION COMMISSION,)

5)

6 Complainant,) Docket No. UE-950618

7 vs.) Volume 1

8) Pages 1 - 18

9 PUGET SOUND POWER & LIGHT COMPANY,)

10)

11 Respondent.)

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14 A hearing in the above matter was held on
15 July 10, 1995, at 9:30 a.m., at 1300 South Evergreen
16 Park Drive Southwest, before Administrative Law Judge
17 ELMER CANFIELD, and MARJORIE SCHAER.

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19 The parties were present as follow:

20 PUGET SOUND POWER & LIGHT COMPANY, by JAMES
21 M. VAN NOSTRAND, Attorney at Law, 411 - 108th Avenue
22 Northeast, Bellevue, Washington 98004.

23 WASHINGTON COMMITTEE FOR FAIR UTILITY RATES,
24 by PETER J. RICHARDSON, Attorney at Law, 999 Main
25 Street, Suite 911, Boise, Idaho 83702.

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27 PUBLIC COUNCIL SECTION of ATTORNEY GENERAL'S
28 OFFICE, by DONALD TROTTER, Assistant Attorney General,
29 900 Fourth Avenue, Suite 2000, Seattle, Washington
30 98164.

31 WASHINGTON UTILITIES AND TRANSPORTATION
32 COMMISSION STAFF, by SALLY G. JOHNSTON, Assistant
33 Attorney General, 1400 South Evergreen Park Drive
34 Southwest, Olympia, Washington 98504.

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36 Jennifer M. Hicok, CSR
37 Court Reporter

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1 I N D E X

2 WITNESSES: EXAM C EXAM RC
3 (No witnesses were sworn.)

4 EXHIBITS: MARKED ADMITTED
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1 P R O C E E D I N G S

2 JUDGE CANFIELD: This pre-hearing
3 conference will please come to order.

4 This is Docket No. UE-950618, Washington
5 Utilities & transportation Commission, Complainant,
6 versus Puget Sound Power & Light Company, Respondent.

7 The proceeding today is being held by
8 Administrative Law Judge Elmer Canfield of the Office of
9 the Administrative Hearings. Today's date is July 10,
10 1995, it's Monday. The matter is being held pursuant to
11 due and proper notice to all interested parties. As
12 indicated on the notice of today's hearing conference,
13 we'll be taking appearances, taking interventions, as
14 well as marking and distributing respondents direct
15 testimony and exhibits. We will also be dealing with
16 discovery, the schedule and other preliminary matters.

17 I would like to start out by taking
18 appearances, beginning with the respondent, please.

19 MR. VAN NOSTRAND: Thank you, Your Honor.
20 For respondent, Puget Sound Power & Light Company, James
21 M. Van Nostrand, 411 - 108th Avenue Northeast, Bellevue,
22 98004.

23 JUDGE CANFIELD: Thank you.

24 We can start over here.

25 MS. JOHNSTON: Appearing on behalf of

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1 Commissioned Staff, Sally G. Johnston, Assistant
2 Attorney General, my address is 1400 South Evergreen
3 Park Drive Southwest, Olympia, Washington 98504

4 JUDGE CANFIELD: Okay.

5 MR. TROTTER: Donald T. Trotter, Assistant
6 Attorney General, for the Public Council Section of the
7 Attorney General's office, my address is 900 Fourth
8 Avenue, Seattle, Washington 98164, and that should be
9 Suite 2000.

10 JUDGE CANFIELD: Thank you.

11 And next, please?

12 MR. RICHARDSON: My name is Peter
13 Richardson, I'm from the Law Firm of Davis, Wright,
14 Tremaine, appearing on behalf of the Washington
15 Committee for Fair Utility Rates, also known as WICFUR;
16 my address is 999 Main Street, Suite 911, Boise, Idaho.

17 I also will enter an appearance on behalf of
18 Graham Tanner, also with Davis, Wright, Tremaine.

19 And, Your Honor, we will be filing a motion
20 for summary judgment and -- for intervention -- I have
21 other things on my mind here -- orally today, and I have
22 also prepared a written petition to intervene.

23 JUDGE CANFIELD: For the record, you did
24 come around and provide a copy of a petition to
25 intervene, and you will be filing that with the records

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1 center at the conclusion of today's session?

2 MR. RICHARDSON: Yes, Your Honor.

3 JUDGE CANFIELD: Any other appearances being
4 made at this time?

5 Let the record reflect there are none.

6 While we're on that, why don't we deal with
7 interventions at the outset then. As indicated,
8 Mr. Richardson has prepared a petition to intervene that
9 will be filed with the Commission today, and I don't
10 know if you have provided copies to the parties.

11 MR. RICHARDSON: I do have copies.

12 JUDGE CANFIELD: Okay. Maybe you could do
13 that then.

14 We can give them a moment to look at that;
15 but do you have anything to add to the petition to
16 intervene, Mr. Richardson?

17 MR. RICHARDSON: I do not, Your Honor.

18 JUDGE CANFIELD: After the parties have had
19 a chance to look through the petition, I'll ask if there
20 are any objections to the petition for intervention of
21 WICFUR.

22 Maybe I will ask if the parties have had a
23 chance to look through the petition for intervention of
24 WICFUR, and I will ask if there are any objections to
25 the petition?

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1 Mr. Van Nostrand?

2 MR. VAN NOSTRAND: No objection, Your Honor.

3 JUDGE CANFIELD: No objections. Okay.

4 MS. JOHNSTON: No objection.

5 JUDGE CANFIELD: Okay.

6 No objection, Mr. Trotter?

7 MR. TROTTER: No.

8 JUDGE CANFIELD: Let the record reflect
9 there are no objections to the petition for intervention
10 of WICFUR, and the petition to intervene of WICFUR is
11 hereby granted.

12 We're also going to be dealing with marking
13 of exhibits and a few other preliminary type matters.
14 I don't know whether the parties have had a chance to
15 discuss scheduling and those sorts of things, but we'll
16 be dealing with that as well. I don't know whether the
17 company is going to be requesting a protective order in
18 this matter or not, I haven't heard one way or the
19 other. Maybe I can have you respond to that, Mr. Van
20 Nostrand, whether a protective order will be requested
21 in this matter?

22 MR. VAN NOSTRAND: Yes, Your Honor. I think
23 we would like to have one issued. I think the only item
24 that causes us some problems are the financial
25 forecasts. So I think we'll be providing those

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1 informally in anticipation of a protective order, but we
2 will have a protect order just for that reason.

3 JUDGE CANFIELD: Okay. Any other comments
4 on the protective order matter?

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

7 I will grant the request for a protective
8 order to be entered, and it will be patterned after the
9 protective order that the Commission has used in recent
10 years, patterned after the Electric Lightwave matter
11 UT-901029, and I'll request that the Commission issue
12 that protective order as soon as possible in this
13 matter.

14 Maybe you can assist on this, Ms. Johnston,
15 I didn't see in the notice of hearing any reference to
16 the discovery rule, I don't know whether that was going
17 to be requested.

18 MS. JOHNSTON: Yes. I'd ask that that be
19 invoked.

20 JUDGE CANFIELD: Any comment or discussion
21 on the request to invoke the discovery rule in this
22 matter then?

23 Let the record reflect there are no further
24 discussions on that.

25 That request will be granted and the methods

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1 for obtaining the data as provided in WAC 480-09-480
2 will be available in this proceeding. And there has
3 also already been some reference made to matters being
4 provided informally, and I would hope that the parties
5 would also use informal procedures as appropriate as
6 well.

7 When we discuss scheduling, I guess this
8 will come into play, but I don't know whether there is
9 any need for a discovery schedule as such; but,
10 Ms. Johnston, have the parties discussed scheduling
11 at all in the matter?

12 MS. JOHNSTON: Yes; although, not everyone
13 is happy with the scheduling.

14 What we have proposed is cross of company
15 occurring August 7, 8 and 9, and Staff, Public Council,
16 intervenors would prefile their direct testimony August
17 21st; the company would prefile its rebuttal case August
18 28th; cross of Staff, Public Council and intervenors,
19 September 6th; cross of company rebuttal, September 8th;
20 and also public hearing on September 8th; oral argument,
21 September 18; and the order would issue September 25th.
22 I propose that the collaboratives joint report and
23 proposal needs be presented to the Commission at the
24 outset of cross of company on August 7th.

25 I don't know whether you would like to hear

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1 this now, but we would also propose that between the
2 cross of the company and the time the company prefiles
3 its rebuttal we have five working days turnaround time
4 for responding to data requests, and then -- I misspoke,
5 I think it should be five calendar days from cross of
6 company to the time the company prefiles its rebuttal,
7 and then from the time of the company's rebuttal to
8 cross of that rebuttal we have a turnaround time of two
9 calendar days responding to data request, much in the
10 same way we handled this in PRAM 4.

11 JUDGE CANFIELD: Does anybody need that
12 information repeated before we take comments from the
13 others?

14 So you're requesting a five calendar day
15 turnaround time from the time of the cross of the
16 company to the company's filing of their rebuttal
17 testimony?

18 MS. JOHNSTON: That's correct.

19 JUDGE CANFIELD: Okay. And two days for --
20 maybe you can clarify the two calendar time period as
21 well.

22 MS. JOHNSTON: Between August 28 and
23 September 8, between the time the company prefiles its
24 rebuttal and cross of company's rebuttal.

25 JUDGE CANFIELD: Anything further,

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1 Ms. Johnston, that you want to state or comment on?

2 MS. JOHNSTON: We would also ask that the
3 company and other parties respond within five working
4 days between now and the cross of the company.

5 JUDGE CANFIELD: Anything further before I
6 take comments from others?

7 MS. JOHNSTON: No, Your Honor.

8 JUDGE CANFIELD: Okay.

9 Any comments from others object on the
10 proposed schedule and response times as commented on by
11 Ms. Johnston?

12 MR. TROTTER: Yes, Your Honor. The proposed
13 cross dates are problematic for our office. As you know
14 we're down to a single attorney, myself, we have a
15 distribution of our final brief in the US West
16 Interconnect case due on 9th and we have to distribute
17 our direct case in the US West rate case on the 11th,
18 and that schedule for cross on the 7th, 8th and 9th
19 severely prejudices our office's ability to participate
20 in all three of these dockets. We would ask for any
21 time later than the week of the 7th for the cross.

22 JUDGE CANFIELD: And those specific dates,
23 propose just something --

24 MR. TROTTER: Any dates. Any date is fine.

25 JUDGE CANFIELD: Any other comments,

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1 Mr. Trotter, on the other proposed dates and response
2 times as related by Ms. Johnston?

3 Hearing none, I'll ask if there are comments
4 from any other parties then?

5 MR. RICHARDSON: Your Honor, WICFUR has no
6 problem with the schedule proposed by Staff. If the
7 bench wishes to adjust the schedule, I'd ask that you be
8 flexible in accommodating other schedules. Right now I
9 think this works for us, though.

10 JUDGE CANFIELD: Okay. And any comments,
11 Mr. Van Nostrand?

12 MR. VAN NOSTRAND: No. As far as the
13 scheduled hearing dates, those are fine. I would have
14 some concern if there is slippage in the August 8th, we
15 may have a problem somewhat with the dates after the
16 August 7th to 9th period.

17 In terms of the discovery schedule, we don't
18 have any problem as Ms. Johnston proposed it. I guess
19 when we get down on the two calendar days turnaround, we
20 would request that any data requests issued on Friday be
21 delivered to us by noon, since the two-day turnaround
22 requires essentially response first thing Monday, I
23 guess. We would like to at least have the request in
24 our hands by noon on Friday.

25 I think along the same lines --

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1 JUDGE CANFIELD: Friday, what date was that
2 for the publication?

3 MR. VAN NOSTRAND: Well, it's just any data
4 requests from that August 28 through that September 8th
5 period, I know there is one Friday in there. I guess
6 we're talking about Friday September 1.

7 JUDGE CANFIELD: Okay.

8 MR. VAN NOSTRAND: But that's maybe
9 something we can get worked out informally.

10 I guess along the same lines, we would
11 request that the filing of opposing testimony and Staff
12 testimony would include work papers just as part of the
13 filing, and that wouldn't necessarily need to be
14 obtained through follow-up data requests, but that
15 should be considered as part of the filing
16 requirements.

17 JUDGE CANFIELD: Okay.

18 Any further comments, Mr. Van Nostrand?

19 MR. VAN NOSTRAND: No, Your Honor.

20 JUDGE CANFIELD: Any comments on those
21 points raised by Mr. Van Nostrand, as far as the data
22 requests being made by noon on that Friday, September
23 1?

24 MS. JOHNSTON: And work papers being part of
25 the filing?

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1 JUDGE CANFIELD: And work papers being part
2 of the filing as well.

3 MR. TROTTER: Part of the filing to the
4 parties, not to the Commission, I assume?

5 MR. VAN NOSTRAND: Right.

6 MS. JOHNSTON: We have no problem with that,
7 Your Honor.

8 JUDGE CANFIELD: Okay.

9 I don't have the Commission's calendar in
10 front of me, as far as what flexibility or alternatives
11 they might have available. The comments of Mr. Trotter
12 have been certainly made of record and the Commission
13 can certainly look at that. I think I am inclined to
14 adopt the proposed schedule with the request of record
15 by Mr. Trotter, and if the Commission can work out
16 something, it can certainly make changes in the adopted
17 schedule, but I don't have all of that information in
18 front of me today to be able to make any changes on
19 their behalf.

20 While we're on that point, I might note that
21 Marjorie Schaer will be handling this matter beyond
22 today's pre-hearing conference, and further contacts can
23 be made through her.

24 I will ask if there are any objections to
25 Majorie Schaer taking over and handling the matter from

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1 essentially this point on.

2 Any comments on that or objections, Mr. Van
3 Nostrand?

4 MR. VAN NOSTRAND: No, Your Honor.

5 JUDGE CANFIELD: Any comments or objections
6 from Ms. Johnston or Mr. Trotter or Mr. Richardson?

7 MR. RICHARDSON: No, Your Honor.

8 MS. JOHNSTON: No.

9 JUDGE CANFIELD: None? Okay.
10 So noted for the record then.

11 MS. JOHNSTON: Your Honor, I would like to
12 on the record say, though, if there is some way that
13 this hearing schedule can be adjusted to accommodate
14 Mr. Trotter's requests, I would be amenable to revising
15 this hearing schedule.

16 JUDGE CANFIELD: Maybe at this point we
17 could take a short recess and distribute the company's
18 prefiled evidence for the parties, and maybe also to
19 consider that matter just discussed, as well as maybe
20 going ahead and premarking these for the record.

21 So I'll take a short recess.

22 (Short recess taken.)

23 JUDGE CANFIELD: Back on the record.

24 We're back on the record now after a break
25 during which time scheduling matters were discussed and

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1 marking of exhibits was taken care of.

2 I believe the parties have resolved that a
3 workable approach to the schedule, it would be to have
4 the matter essentially left on the schedule as earlier
5 proposed by Ms. Johnston, with a couple of changes, that
6 the August 7 would be beginning at 8:30 a.m., and it
7 would not be scheduled to go the 8th and 9th, but with a
8 backup date of August 14 if it did not get completed on
9 August 7, and also with an 8:30 start on August 14, but
10 it's hoped that the matter could be wrapped up on that
11 one day with the cooperation of the parties working
12 together. And I guess the collaborative report would
13 take place initially at the outset of that August 7
14 session. With that, there would not be any need to
15 change the rest of the dates, the prefiling of Staff,
16 Public Council and intervenors on August 21, the
17 prefiling of company rebuttal on August 28, and then the
18 cross exam of Staff, Public Counsel and intervenors on
19 September 6th, with the cross of company rebuttal on
20 September 8, and with the public set also for September
21 8, with oral argument following on September 18. The
22 earlier data request response times would remain as
23 earlier discussed, the five workday turnaround between
24 now and the cross of company, and then from that point
25 on five calendar days through the cross of company

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1 rebuttal, and from the period of the pre-filing of
2 company rebuttal through the cross of company rebuttal I
3 believe it was indicated two calendar day turnaround. I
4 believe the parties indicated that that would be
5 workable to them. Also, that the data requests filed on
6 Friday, September 1 would be filed by noon that day, and
7 that the other parties' filings would also include work
8 papers to be supplied to other parties as well.

9 Maybe I can ask the parties if there is
10 anything I might have left out on that rendition of the
11 schedule then? Anything that I may have left out? Or
12 is that agreeable to all?

13 Let the record reflect there are no
14 comments, so that will be the adopted schedule and
15 approach.

16 I did go ahead and premark the exhibits off
17 the record, I'm going to briefly run through that, the
18 order is: J. Rich Lockhart JRL-1 is Exhibit T-1, and
19 then the accompanying exhibits would just follow, JRL-2
20 through 9 will be Exhibits 2 through 9 for
21 identification; and then the next will be M. E. Smith,
22 MES-1 will be Exhibit T-10 with the accompanying
23 Exhibits MES-2 through 4, I've marked them for
24 identification as Exhibits 11, 12 and 13; the testimony
25 of J. H. Storey, JHS-1 as marked as Exhibit T-14 for

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1 identification with accompanying Exhibits JHS-2, 3 and
2 4 marked for identification as Exhibits 15, 16 and 17.

3 And with that I'll ask the parties whether
4 there is anything else that anyone had to address that
5 we haven't touched upon at today's session?

6 Anything, Mr. Van Nostrand?

7 MR. VAN NOSTRAND: No, Your Honor.

8 JUDGE CANFIELD: And anything, Ms. Johnston?

9 MS. JOHNSTON: No, Your Honor.

10 JUDGE CANFIELD: A notice of hearing will be
11 issued on those later sessions; is that correct,
12 Ms. Johnston?

13 MS. JOHNSTON: That's correct.

14 JUDGE CANFIELD: Okay. And anything
15 further, Mr. Trotter?

16 MR. TROTTER: No.

17 JUDGE CANFIELD: And anything further,
18 Mr. Richardson?

19 MR. RICHARDSON: No, Your Honor.

20 JUDGE CANFIELD: Okay. And a prehearing
21 conference order will be issued after today's session as
22 well, and the Commission will also be getting out the
23 protective order that was discussed earlier.

24 With that, there being nothing further, I'll
25 adjourn today's prehearing conference.

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1 The matter is adjourned.

2 (Marked Exhibits T-1, 2, 3, 4, 5, 6, 7, 8,

3 9, T-10, 11, 12, 13, T-14, 15, 16, 17.)

4 (Hearing adjourned at 10:40 a.m.)

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