

**WUTC v. Puget Sound Energy**

**Docket No. UG-230393 - Vol. I**

**June 26, 2023**



**206.287.9066 | 800.846.6989**

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

[www.buellrealtime.com](http://www.buellrealtime.com)

email: [audio@buellrealtime.com](mailto:audio@buellrealtime.com)



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of:     )  
                                  )  
WASHINGTON UTILITIES AND   ) Docket UG-230393  
TRANSPORTATION COMMISSION, )  
    Complainant,     )  
vs.                             )  
PUGET SOUND ENERGY,     )  
    Respondent.        )

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PREHEARING CONFERENCE  
The Honorable Samantha Doyle Presiding  
June 26, 2023

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TRANSCRIBED BY:   Debra M. Moore, CCR

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1                    A P P E A R A N C E S  
2 On Behalf of Complainant:  
3 JEFFREY K. ROBERSON  
4 Office of the Attorney General  
5 Utilities and Transportation Division  
6 P.O. Box 40128  
7 Olympia, Washington 98504  
8 On Behalf of Respondent:  
9 DONNA LEE BARNETT  
10 BYRON STARKEY  
11 Perkins Coie LLP  
12 10885 NE Fourth Street, Suite 700  
13 Bellevue, Washington 98004  
14 Public Counsel:  
15 LISA WATSON GAFKEN  
16 Assistant Attorney General  
17 800 Fifth Avenue, Suite 2000  
18 Seattle, Washington 98104  
19  
20 On Behalf of the Puyallup Tribe of Indians:  
21  
22 ANDREW SETH FULLER  
23 Ogden Murphy Wallace, P.L.L.C.  
24 901 Fifth Avenue, Suite 3500  
25 Seattle, Washington 98164  
LISA ANDERSON  
Puyallup Tribe of Indians  
Legal Office  
3009 East Portland Avenue  
Tacoma, Washington 98404  
On Behalf of Alliance of Western Energy Consumers:  
SOMMER MOSER  
PUC Staff - Department of Justice  
Business Activities Section  
1162 Court Street NE  
Salem, Oregon 97301  
Also Present:  
Crystal Oliver

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2                    June 26, 2023  
3  
4                    THE COURT: Okay. And with that, let's be on the  
5 record. Good afternoon. We are here today for a  
6 pre-hearing conference in Docket UG-230393, which is  
7 captioned as the Washington Utilities & Transportation  
8 Commission vs. Puget Sound Energy. Today is Monday,  
9 June 26th, 2023, and the time is approximately 1:30  
10 p.m.  
11                    My name is Samantha Doyle. My pronouns are she/her  
12 or they/them. I'm an administrative law judge with the  
13 Commission, and I will be co-presenting this matter  
14 along with the commissioners. Today we'll do  
15 appearances, address the motions for intervention and  
16 then discovery. We will then also address the  
17 procedural schedule, and I will close this conference  
18 regarding the filing requirements.  
19                    On May 25th, 2023, Puget Sound Energy filed its new  
20 tariff schedule, 141 LNG, liquefied natural gas, rate  
21 adjustment to recover Tacoma LNG facility costs that  
22 the company placed in a tracker, according to the  
23 Commission, approved 2022 to an all rate case, the LNG  
24 settlement. On June 8th, 2023, the Commission  
25 ordered -- issued Order 1 suspending the proposed

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1 tariff provision.  
 2 This pre-hearing conference is going to be a chance  
 3 for the parties to discuss a procedural schedule and  
 4 any other housekeeping matters. And after today's  
 5 conference, I will enter an order setting out the  
 6 procedural schedule and setting the date for the  
 7 evidentiary hearing.  
 8 And let's start our short appearances. And for PSE?  
 9 MS. BARNETT: Thank you, Judge Doyle, and good  
 10 afternoon. Donna Barnett for -- from Perkins Coie,  
 11 representing Puget Sound Energy. And with me today is  
 12 Byron Starkey, also with Perkins Coie. And just to  
 13 note, I am here just for today appearing in -- in lieu  
 14 of Pamela Anderson, who's already filed a notice of  
 15 appearance in this case. She just couldn't be here for  
 16 the pre-hearing conference, so I am filling in on her  
 17 behalf.  
 18 THE COURT: Okay.  
 19 MS. BARNETT: But she will be lead -- she will be  
 20 lead attorney. I'm the (inaudible).  
 21 THE COURT: Okay. Great. Thank you. And Commission  
 22 Staff?  
 23 MR. ROBERSON: Good afternoon, Judge Doyle. Jeff  
 24 Roberson, AGO, on behalf of Commission Staff. With me  
 25 virtually at counsel table are Staff analysts Crystal

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1 Oliver and Jackie Hawkins-Jones.  
 2 THE COURT: Okay. Great. And Public Counsel?  
 3 MS. GAFKEN: Good afternoon. Lisa Gafken, assistant  
 4 attorney general, appearing on behalf of Public  
 5 Counsel. I use she/her pronouns.  
 6 THE COURT: Great. Thank you. And AWEC?  
 7 MS. MOSER: Good afternoon, Your Honor. Sommer Moser  
 8 on behalf of the Alliance of Western Energy Consumers.  
 9 THE COURT: Thank you. And the Puyallup Tribe of  
 10 Indians?  
 11 MR. FULLER: Good afternoon, Judge Doyle. This is  
 12 Andrew Fuller at Ogden Murphy Wallace on behalf of the  
 13 Puyallup Tribe. We also have Lisa Anderson from the  
 14 Puyallup's legal office here on the line. Nick Thomas  
 15 from Ogden Murphy Wallace will also be appearing in  
 16 this case. He's not available today, though.  
 17 THE COURT: Great. Thank you. And just to make sure  
 18 I also cover everything, are there any other parties  
 19 that wish to enter an appearance? Okay. Great.  
 20 Hearing nothing, let's move on.  
 21 We'll now address the petitions to intervene. AWEC  
 22 and the Puyallup Tribe have each filed a petition to  
 23 intervene in advance. And just double-checking, is  
 24 there anyone else on the call who wishes to seek oral  
 25 intervention? Excellent. Okay. Hearing nothing.

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1 Does any party object to the petition filed by AWEC?  
 2 Okay. Hearing none, the petition for AWEC to intervene  
 3 is granted.  
 4 Next we'll discuss the petition to intervene filed by  
 5 the Puyallup Tribe. I will give each chance -- each  
 6 party a chance to respond here to the Tribe's petition  
 7 to intervene, but first I would like to ask Mr. Fuller  
 8 if the Tribe wants to make a brief argument here in  
 9 support of its petition?  
 10 MR. FULLER: Yes, please, Your Honor. Just very  
 11 quickly, as -- as noted in the petition for  
 12 intervention, the Tribe's intervention in this case  
 13 is -- is based on its substantial interest in this  
 14 matter, and its participation is in the public  
 15 interest.  
 16 First, as laid out in the petition, the Tribe has a  
 17 substantial interest in this tariff due to its impact  
 18 on the tribal government and tribal members. As a  
 19 government entity, the Tribe owns and operates lands  
 20 and facilities that are on those lands that utilize  
 21 PSE's utility services, and the Tribe pays PSE for  
 22 those services and will be directly impacted by the new  
 23 tariff schedule.  
 24 Additionally, tribal members are -- are PSE  
 25 customers, and those members may from time to time be

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1 eligible for -- for a needs-based utility assistance  
 2 from the Tribe, and there's an additional interest  
 3 there.  
 4 And, further, the -- the Tribe's participation in  
 5 this proceeding is in the public interest, as it was  
 6 found to be in the prior proceeding on this rate case.  
 7 The Tribe holds unique and distinct evidence as to the  
 8 nature of the costs that were incurred by PSE for the  
 9 construction and permitting of the LNG plant and the --  
 10 and the four-mile line.  
 11 This evidence is particularly relevant to -- we  
 12 believe to the Commission's analysis, because it bears  
 13 on the prudence of the decisions regarding the design  
 14 of the Tacoma LNG project and decisions that were made  
 15 after September 2016 and evidence as to whether those  
 16 costs are beneficial to the public or if they were just  
 17 necessary to advance the for-profit operations of the  
 18 LNG facility.  
 19 We note that PSE, in its response, has -- has agreed  
 20 that the Tribe should participate and asks that we be  
 21 limited to the appropriate scope. I don't think the  
 22 Tribe objects to -- to limiting its -- its intervention  
 23 to the scope of the proceedings here. I will note that  
 24 it was appropriate for the Tribe's intervention to be  
 25 limited in the issues in the prior proceeding because

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<p>1 of the broad-ranging nature of that proceeding.                  2 Here, where we're dealing with the deferred pieces of                  3 the prior proceeding that really are squarely within                  4 the Tribe's interests in the area that it was allowed                  5 in in the prior proceeding, we see it's entirely                  6 appropriate for the Tribe to be allowed in, and we do                  7 not see that it would be appropriate to limit the                  8 Tribe's intervention in any respect, because, as we                  9 understand it, this proceeding is going to be -- you                  10 know, fall within the subset of the interests that we                  11 represented in the prior proceeding.                  12 We -- I'll also just finally note that in the prior                  13 proceeding, we don't believe that the Tribe's                  14 intervention impaired, delayed, or otherwise was a                  15 burden on the proceedings. And we feel that the                  16 information and the evidence that we can present speak                  17 to the tenets of energy equity that the Commission                  18 has -- has adopted and -- and is following.                  19 So we would appreciate to be allowed in. We don't --                  20 we do not feel that any limitation will be necessary.                  21 However, we will say that to the extent that -- that                  22 there are limits on the scope of this overall case, we                  23 are more than happy to stay within those limits and --                  24 and not overbroaden the issues inappropriately. Thank                  25 you.</p>	<p>1 THE COURT: Okay. Thank you, Counsel. And we can go                  2 next to Public Counsel, Ms. Gafken. I saw that your                  3 hand was up for a moment.                  4 MS. GAFKEN: Yes. I wasn't sure if you wanted us to                  5 go before the company so they could respond to us as                  6 well, but I think it will all sort itself out.                  7 With respect to the final order in PSE's last rate                  8 case, which was from Dockets UE-220066 and UG-220067,                  9 the Commission limited its ruling to the September 2016                  10 decision to build. And the Commission construed the                  11 settlement to ask for a decision that the board's                  12 decision on September 22, 2016, was -- to build the                  13 facility was prudent, but that the settlement allows                  14 the parties to refute prudence and reasonableness of                  15 costs incurred after that point. You can refer to                  16 paragraph 393 from that final order with respect to                  17 that.                  18 In paragraph 360, the Commission summarized staff                  19 witness who was talking about why the settlement was in                  20 the public interest from their point of view, and they                  21 pointed out that the settlement preserved the right to                  22 challenge prudence of LNG costs in the future.                  23 So this is the docket that is the future case that                  24 was contemplated in the GRC order. So this is the case                  25 in which prudence of the post-2016 decision's costs and</p>
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<p>1 THE COURT: All right. Thank you. Okay. So I would                  2 like to hear each of the other parties' position. And                  3 I have read the company's filed response. Would PSE                  4 like to give a brief summary of its position?                  5 MS. BARNETT: Yes. Thank you, Judge Doyle. And I                  6 won't -- don't want to repeat anything that we've                  7 already said in our written response, but just in light                  8 of the broad language that the Puyallup Tribe used in                  9 its petition to intervene, it was unclear whether the                  10 Tribe was going to be raising issues that were already                  11 determined and litigated in the -- in the 2022 GRC.                  12 So I'm hearing that that is not the intent, and so I do                  13 think the final order in that rate case did a very good                  14 job about laying out exactly what was determined and                  15 what was still being, I guess, deferred for decision in                  16 this case.                  17 So it shouldn't be difficult to -- to determine what                  18 is -- what is relitigated or what is opening up old                  19 issues in this case. So -- but I do think, given the                  20 broad and slightly vague petition, language in the                  21 petition, that it would be good to expressly state that                  22 in an order, that we -- that -- that this proceeding is                  23 limited to the issues as ordered in the final order                  24 from the 2022 GRC, and any attempt to expand on that                  25 scope is inappropriate and prohibited.</p>	<p>1 operations are at issue.                  2 In the context of the GRC decision, which focused on                  3 that prudence, the threshold prudence and the September                  4 2016 board decision, the Commission did weigh evidence                  5 and argument and made various rulings vis-a-vis that                  6 2016 board decision. However, in the context of                  7 post-2016 decision's costs and operations, the parties                  8 have the ability and due process right to present their                  9 cases either in support of or in opposition to the                  10 facility.                  11 The Public Counsel is not viewing this as a simple                  12 pro forma compliant filing of placing costs already                  13 determined to be prudent into a tracker, but, rather,                  14 this is a prudence review of the post-September 2016                  15 decisions on the LNG project. So I did want to be                  16 clear about that.                  17 I would like to address the issue of the scope of the                  18 Tribe's intervention. In the GRC, as Mr. Fuller                  19 mentioned, the Tribe's intervention was limited to the                  20 LNG issue, and that was appropriate in that case                  21 because there were several non-LNG issues. I mean, it                  22 was a wide-ranging GRC with lots and lots of issues.                  23 In this case, it is only the LNG issue. As the Tribe                  24 mentioned, they -- they do have a substantial interest                  25 in this proceeding. They are a rate payer. They have</p>

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1 specific and specialized knowledge about this facility.  
 2 And this is the case in which the Commission will rule  
 3 on whether the facility is prudent.  
 4 Not only does the Tribe have a longstanding interest  
 5 in LNG, but they possess a unique voice that is lacking  
 6 among the other parties, and the Tribe is the exact  
 7 type of new participant that the participant funding  
 8 system is designed to draw into UTC proceedings.  
 9 Moreover, they are squarely within the definition of a  
 10 highly impacted community in both CETA, which I know  
 11 applies to electric only, but also to the new  
 12 participation funding statute. For reference, that's  
 13 RCW 19.405.020, Sub-Section 23, and RCW 80.28.430.  
 14 As to the issue of delay, I think we'll talk a little  
 15 bit more about this when we get to the schedule, but to  
 16 the extent that we do need to extend this proceeding  
 17 beyond a November 1 effective date, that's because this  
 18 is an adjudication, not because there's any undue delay  
 19 caused by any one party, and certainly not by the  
 20 Tribe.  
 21 So to that end, Public Counsel does support the  
 22 Puyallup Tribe's request for intervention, and we see  
 23 no limit to -- to limit their intervention in this  
 24 case. Thus, we would request that the Tribe be granted  
 25 full intervention status. Thank you.

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1 THE COURT: Thank you. And can we hear from Staff?  
 2 MR. ROBERSON: Can you hear me now? Okay. Sorry.  
 3 Lag there.  
 4 Staff has no objection to the Tribe's intervention.  
 5 Like Public Counsel, Staff sees no reason to limit the  
 6 Tribe's intervention. It's a very -- there's a lot at  
 7 stake, but the issues are very limited. The Tribe is  
 8 represented. It has no interest in expanding the  
 9 proceeding beyond what's been filed. And if there are  
 10 issues, the Commission can deal with them down the  
 11 road.  
 12 So I think from Staff's perspective, the Commission  
 13 should just probably just grant that petition and move  
 14 on.  
 15 THE COURT: Thank you. And, finally, AWEC?  
 16 MS. MOSER: Thank you, Your Honor. Sommer Moser for  
 17 AWEC. We do not oppose the Tribe's petition for  
 18 intervention in this case.  
 19 THE COURT: Okay. Thank you all for your comments.  
 20 At this point I am granting the Puyallup Tribe's  
 21 petition for intervention. As with any of the parties,  
 22 this does not broaden the scope of the proceedings  
 23 outside of the current filing.  
 24 And with that, let's go on to discovery. The -- the  
 25 discovery rules were made available to the parties in

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1 Order 1. During proceedings of the Commission, parties  
 2 often issue a first data request asking that any  
 3 subsequent data requests and responses are shared with  
 4 every other party. It would make it easier on the  
 5 parties if I included this requirement in the  
 6 pre-hearing conference order. Are there any objections  
 7 to my including that requirement?  
 8 MS. GAFKEN: No objections from Public Counsel, and  
 9 we do support that. And I apologize if either you're  
 10 going to address this next or if I've missed it, but I  
 11 wanted to ask about, in conjunction with discovery,  
 12 also the -- whether there's going to be a protective  
 13 order issued?  
 14 THE COURT: We have -- I have not addressed that yet,  
 15 and it had not been requested yet at this time. So we  
 16 can -- we can identify that next after --  
 17 MS. GAFKEN: I will hold my horses. Thank you.  
 18 THE COURT: No problem. Did anyone else have any  
 19 comments or objections to the discovery requirement?  
 20 MS. BARNETT: No objection from the company, Your  
 21 Honor.  
 22 MR. ROBERSON: Or from Staff.  
 23 MS. MOSER: No objection from AWEC.  
 24 THE COURT: And I'm hearing none from Mr. Fuller, so  
 25 I'm assuming --

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1 MR. FULLER: Sorry. It's a button problem. Yes, no  
 2 objections from the Tribe. Thank you.  
 3 THE COURT: Okay. Great. Discovery will otherwise  
 4 be conducted according to the Commission's procedural  
 5 rules.  
 6 And, next, since it was just brought up, there had  
 7 not been a request for a protective order. Did  
 8 somebody want to motion for that?  
 9 MS. BARNETT: Yes, Your Honor. The PSE would like to  
 10 move for the standard protective order in this case.  
 11 THE COURT: Okay. And do any parties have an  
 12 objection to the protective order? Specifically Public  
 13 Counsel, did you have a comment on that?  
 14 MS. GAFKEN: No objection. The only issue that I was  
 15 raising that for is so we have an outside expert who  
 16 will help us with the case, and in order to get access  
 17 to confidential information in the filing, a protective  
 18 order is very helpful in that regard.  
 19 MR. ROBERSON: No objection from Staff.  
 20 MR. FULLER: No objection from the Tribe.  
 21 MS. MOSER: No objection from AWEC.  
 22 THE COURT: Okay. With that, I will include a  
 23 standard protective order with the pre-hearing  
 24 conference order.  
 25 And, next, that procedural schedule. As a

1 preliminary matter, I want to address the proposed  
2 November 1st effective date. The Commission reviewed  
3 PSE's explanation for the proposed November 1st  
4 effective date, and it regards that as merely a  
5 proposal and not a term of the settlement agreement.  
6 As it was not explicitly stated, we, therefore, did not  
7 specifically approve this as a term.

8 With this understanding, I'll go around in a moment  
9 and allow each party to state its proposed schedule.  
10 However, first were there any agreements between the  
11 parties regarding a schedule?

12 MS. BARNETT: No, Your Honor. I don't think we have  
13 a -- any agreement. PSE sent a proposal around several  
14 weeks ago, and -- and, sorry, Public Counsel responded  
15 with an alternative, and that was also unacceptable to  
16 PSE. PSE has adjusted its proposed schedule to  
17 accommodate some of the dates that Public Counsel  
18 requested and felt were important. So we have one that  
19 we haven't shared with anyone yet that we're proposing  
20 today that is hopefully a compromise but does still  
21 allow for a November 1st effective date.

22 THE COURT: Okay. Well, Ms. Barnett, why don't you  
23 go ahead and start with the company's current proposal.

24 MS. BARNETT: Thank you. Would it be preferable to  
25 just read it out, or would you like me to share my

1 errata would be August 16th, 2023. Then the hearing,  
2 August 23rd, which is a Wednesday. Post-hearing briefs  
3 after that would be September 8th, which is a Friday,  
4 and that is two and a half weeks after the hearing.

5 Then we have a date for reply briefs, September 15th,  
6 which is a Friday, which allows only a week after that,  
7 the -- I'm sorry, a week from the post-hearing briefs.  
8 And then requested final order date would be October  
9 26, which is a Thursday, 2023. That's six weeks from  
10 the date of the reply brief. And then the requested  
11 effective date, November 1st.

12 THE COURT: Okay. I think I might have missed a  
13 couple dates, so if you can also put that in the chat,  
14 that would be great.

15 MS. BARNETT: Yes.

16 THE COURT: Okay.

17 MS. BARNETT: And I also do want to acknowledge that  
18 usually we reduce the data request time after --  
19 from -- from ten business days to seven business days  
20 and then again to five business days at each interim  
21 for response and rebuttal testimony. I put that in  
22 here too, but I didn't specify it when I was reading it  
23 out. I apologize.

24 THE COURT: Okay. And then let's hear from Staff  
25 next.

1 screen? I don't know if it's even set up where I  
2 could, but I can just read it out.

3 THE COURT: Yeah. I was going to say, you could read  
4 it out or place it -- and also place it in the chat.

5 MS. BARNETT: Sure.

6 THE COURT: But I do need you to read it out. Thank  
7 you.

8 MS. BARNETT: Okay. I'll start with that, because I  
9 can't do two things at once. Let's see.

10 So the company filed its tariff and testimony on May  
11 21st, 2023. And the next date I have on here is a  
12 suspension and commencement of discovery, which was  
13 June 28th. Then pre-hearing conference today, June  
14 26th. The next date is Staff, Public Counsel and  
15 parties' testimony proposed for July 14th, which is a  
16 Friday. That is seven weeks from the filing date.

17 Then the next date would be the company rebuttal  
18 testimony and cross-answering testimony on August 4th,  
19 2023. That's a Friday, and that allows for three weeks  
20 from Staff, Public Counsel and other parties' response  
21 testimony. A public comment date, to be determined  
22 here for -- I mean, a public comment hearing date.  
23 We're open to that but did not place a date in.

24 Discovery cut-off would be August 11th, which is a  
25 Friday. And cross-exam, exhibits, witness list and

1 MR. ROBERSON: So it might actually be easier to hear  
2 from Public Counsel. They have, I think, what you  
3 might think of the opposite end of the spectrum in  
4 terms of timing.

5 THE COURT: Okay. That's fine. Go ahead. Let's  
6 hear from Public Counsel.

7 MS. GAFKEN: Okay. I had put together an alternative  
8 schedule, as Ms. Barnett had indicated. And I will  
9 preface this by saying this was really the minimum time  
10 frame that -- that I could really see this case  
11 functioning under. And that's -- that is because, you  
12 know, we do have an outside expert. They are going to  
13 have to work on the case. They haven't seen the  
14 confidential portions of the filing yet. And so taking  
15 all of that into consideration, the -- the schedule is  
16 accelerated, but it does go beyond the November 1  
17 timeline.

18 But having said that, I'm going to start with the  
19 testimony response filing date, the Staff, Public  
20 Counsel, et cetera, response testimony. I apologize  
21 for the barking dog in the background. I had that at  
22 September 8th. And then I did also put in a public  
23 comment hearing. It doesn't sound like that is -- is  
24 objected to, but we've -- we feel that public comment  
25 hearing would be appropriate and important for this

1 case.  
 2 The next deadline is the rebuttal and cross-answering  
 3 testimony, which I have as October 6. Discovery  
 4 cut-off, October 20th. Cross-examination, exhibits,  
 5 witness lists and errata, October 31. For the hearing,  
 6 I had that placed on the week of November 6.  
 7 Post-hearing briefs, I put that at December 8th, and  
 8 reply briefs December 21.  
 9 I did not request a date for final order or effective  
 10 date, because I think that those things just flow from  
 11 where the end of the process happens. And, you know, I  
 12 don't -- I don't want to dictate what the Commission  
 13 does under what timeline there.  
 14 I will also note that -- that I'm not the only one  
 15 with this issue. There are parties that are also  
 16 involved in the PacifiCorp docket, and so these dates  
 17 also take into consideration how the cases are  
 18 sandwiched upon each other. My witness in this case is  
 19 also a witness in the PacifiCorp general rate case, so  
 20 I'm balancing that as well.  
 21 THE COURT: Okay. And -- thank you. Ms. Gafken,  
 22 could you also -- well, I think maybe I had -- had the  
 23 company put it in the chat, but maybe what we should be  
 24 doing is emailing each other, all the parties. So  
 25 sorry to have you be redundant, but I want to have an

1 schedule or comment?  
 2 MS. MOSER: Thank you, Your Honor. We do not have a  
 3 proposed schedule. We can make the dates of either  
 4 schedule work. As signatories to the stipulation, you  
 5 know, we feel a little beholden to supporting the  
 6 November 1st rate effective date. But just in terms of  
 7 conflicts, I'm not seeing any.  
 8 I will say the -- the PSE proposal for the August  
 9 23rd hearing date, this is just the first that I'm  
 10 hearing it, and I'm not able to confirm with my witness  
 11 in realtime availability. But I could do that quickly  
 12 and follow up as appropriate if that's the schedule  
 13 that the Commission ultimately goes with.  
 14 THE COURT: Sorry. One moment here. I'm going to  
 15 make sure I received all of these.  
 16 Okay. Well, after hearing all of the party positions  
 17 and taking a moment to -- to look at the schedule and  
 18 confirm, we will adopt the November 6th hearing date  
 19 and take the rest under consideration. And I think  
 20 with that --  
 21 MS. BARNETT: Your Honor, may I add one -- to the  
 22 extent I understand the issue with falling right on  
 23 certain dates, so certainly those are -- you know,  
 24 there's enough wiggle room in PSE's schedule to  
 25 accommodate when they're falling on -- right on certain

1 appropriate record to make sure we're all looking at  
 2 the same dates, so --  
 3 MS. GAFKEN: Sure. I can -- I can forward that  
 4 email.  
 5 THE COURT: Great. Thank you.  
 6 MS. GAFKEN: I'll forward the one that I sent to the  
 7 parties earlier.  
 8 THE COURT: Okay. Perfect. And then I'll have Ms.  
 9 Barnett maybe reply to that. And with that, let's go  
 10 back to Staff and their proposed schedule.  
 11 MR. ROBERSON: So Staff is -- Public Counsel's  
 12 schedule is acceptable to Staff if that's the minimum.  
 13 Staff also is having trouble with many of the dates, if  
 14 not falling right on top of dates in the PacifiCorp  
 15 GRC, kind of running up against them. And so given the  
 16 choice between those two schedules, Staff very much  
 17 supports Public Counsel's.  
 18 THE COURT: Okay. Thank you. Next let's go to the  
 19 Puyallup Tribe, if you are ready with your proposed  
 20 schedule?  
 21 MR. FULLER: We don't have a schedule to propose  
 22 ourselves. We have taken a look at Public Counsel's  
 23 schedule, and we would be willing to work with the  
 24 schedule that Public Counsel has proposed.  
 25 THE COURT: Okay. And AWEC, do you have a proposed

1 other dates.  
 2 And -- and as far as the reply brief, that is one  
 3 thing that is often taken off the table or off the  
 4 schedule to -- to facilitate schedules, so PSE would be  
 5 open to waiving its right to a reply brief in that  
 6 case.  
 7 THE COURT: Okay. Thank you. We'll take that under  
 8 consideration as well. Ms. Gafken?  
 9 MS. GAFKEN: Thank you. I just wanted to place my  
 10 argument on the record on the schedule just so we have  
 11 it. You know, I heard Ms. Moser reference the -- the  
 12 agreement in the last GRC, and, of course, Public  
 13 Counsel was not a signatory to that -- that agreement.  
 14 But I -- I do want to note that the agreement does  
 15 not preclude the Commission from suspending the tariff  
 16 and conducting an adjudication. The Commission still  
 17 has the duty to evaluate the -- the filing to ensure  
 18 that the resulting rates are fair, just, reasonable and  
 19 sufficient and that projects included in rates are  
 20 prudent. There's simply not enough time between now  
 21 and November 1 to conduct an adjudication with rates  
 22 effective by November 1.  
 23 There is a due process issue. While we do anticipate  
 24 that there's going to be a large overlap with general  
 25 rate case issues, we must evaluate the filing and

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1 engage in discovery, analyze the case, and prepare a  
 2 case in this docket. It's not just a matter of copy  
 3 and pasting what we did before and placing it into this  
 4 docket. We have to make a new record.  
 5 So as I mentioned before, the -- the schedule that I  
 6 proposed, that Public Counsel is proposing, is the  
 7 minimum timeline for which we can address the case  
 8 under. Thank you. I just wanted to make sure that the  
 9 record was made.  
 10 THE COURT: Thank you. Oh, go right ahead.  
 11 MR. ROBERSON: Just put this on the record. The  
 12 Commission, as I understood it, announced at the start  
 13 of this hearing that it had looked at the terms of the  
 14 settlement and concluded that the November 1 rate  
 15 effective date was not a term of the settlement. So  
 16 Staff took that into account in supporting Public  
 17 Counsel's proposed schedule.  
 18 THE COURT: Understood. Thank you. So with that, I  
 19 want to reiterate we accept the November 6th hearing  
 20 date at this point, and we will make minor changes for  
 21 policy and the commissioners and will take the -- take  
 22 into consideration the company's waiver of reply briefs  
 23 as well. So with that, I will put the -- put the  
 24 schedule -- take the rest into consideration and  
 25 include the procedural schedule in the pre-hearing

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1 conference order.  
 2 I also want to address electronic filing and  
 3 electronic service before we conclude. Oh, thought?  
 4 Hold on that. Ms. Gafken?  
 5 MS. GAFKEN: I apologize. I just wanted to make sure  
 6 that -- so in -- in reducing the response time for  
 7 discovery request to seven days after response  
 8 testimony and five days after reply testimony or  
 9 cross-answering testimony, that is something that --  
 10 that we incorporated as well in our schedule and would  
 11 support. Thank you. I just wanted to make sure that I  
 12 was clear on that, because I'm not sure that I was  
 13 earlier.  
 14 THE COURT: Thank you for clarifying. So I want to  
 15 remind the parties that documents should be filed  
 16 online through the electronic filing link on the  
 17 Commission's web page. If the parties intend to submit  
 18 exhibits, there will be requirements for filing  
 19 exhibits and an exhibit list in advance of the hearing,  
 20 which will also be done only electronically. We will  
 21 include these details in the pre-hearing conference  
 22 order.  
 23 Also, the Commission's rules provide for electronic  
 24 service of documents. The Commission will serve the  
 25 parties electronically, and the parties will serve each

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1 other electronically. If you have any corrections or  
 2 updates to our master service list in this docket,  
 3 please file a written notice of appearance or email us  
 4 at samantha.doyle@utc.wa.gov.  
 5 And with that, is there anything else we need to  
 6 address today?  
 7 MR. FULLER: Your Honor, if I can just ask a quick  
 8 housekeeping question. Does -- does the Tribe's  
 9 petition to intervene, which lists all of us and our  
 10 notice information, does that serve as a notice of  
 11 appearance, or should we be filing a separate notice of  
 12 appearance? I just want to make sure we're dotting our  
 13 I's and crossing our T's.  
 14 THE COURT: I believe that serves, but why don't you  
 15 also update me with a list just to -- to guarantee  
 16 that.  
 17 MR. FULLER: Absolutely. Will do. Thank you.  
 18 THE COURT: Thank you. Is there anything else from  
 19 any of the parties?  
 20 Okay. We will issue an order shortly containing the  
 21 procedural schedule, other guidelines for the  
 22 disposition of the case, and a standard protective  
 23 order. We are adjourned. Thank you, everyone, for  
 24 coming today.  
 25 MS. BARNETT: Thank you, Your Honor.

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1 MS. MOSER: Thank you.  
 2 MS. GAFKEN: Thank you, Your Honor.  
 3 MR. FULLER: Thank you, Your Honor.  
 4 (Conclusion of hearing)  
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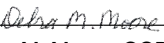



1                    C E R T I F I C A T E  
2        STATE OF WASHINGTON        )  
3    ) ss  
4        COUNTY OF KING            )

5            I, the undersigned, do hereby certify under penalty  
6        of perjury that the foregoing court proceedings or legal  
7        recordings were transcribed under my direction as a certified  
8        transcriptionist; and that the transcript is true and accurate  
9        to the best of my knowledge and ability, including changes, if  
10       any, made by the trial judge reviewing the transcript; that I  
11       received the electronic recording in the proprietary court  
12       format; that I am not a relative or employee of any attorney  
13       or counsel employed by the parties hereto, nor financially  
14       interested in its outcome.

15            IN WITNESS WHEREOF, I have hereunto set my hand  
16        this 10th day of July, 2023.

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Debra M. Moore, CCR



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