

**Docket Nos. UE-140762 and UE-140617 (Consolidated) -  
Vol. VII**

**Washington Utilities and Transportation Commission v.  
Pacific Power & Light Company**

**April 10, 2015**

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BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )  
Complainant, )  
v. )DOCKET UE-140762  
)and UE-140617  
PACIFIC POWER & LIGHT COMPANY, )(Consolidated)  
Respondent. )

VOLUME VII  
Pages 769 through 789

10:03 a.m.  
April 10, 2015

Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW, Room 206  
Olympia, Washington

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OLYMPIA, WASHINGTON; APRIL 10, 2015

10:03 a.m.

-o0o-

JUDGE MOSS: Good morning, everybody. My name is  
Dennis Moss. I'm an administrative law judge with the  
Washington Utilities and Transportation Commission. We are  
gathered here this morning in connection with the what I'm  
thinking of as phase two, although it's not officially  
designated as such, of the -- of the recent Pacific Power  
general rate case. Docket UE-140762 is the rate case. There  
are other dockets consolidated, but I'm not going to bother to  
list them this morning.

Our focus is on just one aspect of the proceeding,  
which was involving the staff proposal for a power cost  
adjustment mechanism. We'll get to that in a moment. But the  
first order of business will be to take appearances. And so  
we'll start with the company, Ms. McDowell. Just a short form.

MS. McDOWELL: Thank you, Judge Moss. Katherine  
McDowell here on behalf of PacifiCorp. With me this morning is  
Natasha Soares.

JUDGE MOSS: All right. Yes, go ahead.

MR. COWELL: Jesse Cowell on behalf of Boise White  
Paper.

JUDGE MOSS: All right, Mr. Cowell. Welcome. And

Page 773

1 let's just go over here.  
 2 MR. OSHIE: Thank you, Judge. Pat Oshie representing  
 3 commission staff. With me this morning are David Gomez and  
 4 Brett Shearer.  
 5 JUDGE MOSS: All right. Thank you very much. And on  
 6 the conference bridge line, I know we have Mr. Purdy. Would  
 7 you just quickly enter your appearance.  
 8 MR. PURDY: Yes, sir. Brad Purdy on behalf of the  
 9 Energy Project.  
 10 JUDGE MOSS: And, Mr. ffitich, you're on the line?  
 11 MR. FFITCH: Simon ffitich on behalf of public counsel.  
 12 JUDGE MOSS: All right. Any other parties on the  
 13 bridge line? Anybody else in the room wish to be entered for  
 14 appearance today? No? All right. Thanks very much.  
 15 All right. I previously had some e-mail, I think it  
 16 was, with Ms. Kapla, and she's indicated that the Solar  
 17 Alliance is not intending to participate in this phase of the  
 18 proceeding, and so I have so told her that they can be excused  
 19 without fear of consequence.  
 20 I'm -- we haven't heard from Wal-Mart counsel this  
 21 morning. That's not particularly surprising to me. I will say  
 22 I don't really anticipate that they will be proceeding or  
 23 participating in this phase of the proceeding, either. So --  
 24 and if Mr. Roberts asks, I'll excuse him from the potential for  
 25 any consequences, although, frankly, I don't think there are

Page 774

1 any lurking, anyway.  
 2 Mr. Purdy and I spoke by telephone yesterday. And,  
 3 Mr. Purdy, I believe you have also indicated it is unlikely  
 4 that the Energy Project will wish to actively participate in  
 5 this phase, but you wanted to listen in today to ascertain if  
 6 you have any interests at stake.  
 7 MR. PURDY: That's correct, your Honor.  
 8 JUDGE MOSS: All right. Very well. So with that  
 9 lineup, then, we can get into the business of the day. I just  
 10 wanted to remind everyone first that there is a protective  
 11 order in this proceeding that's in place. It remains in place  
 12 to facilitate discovery, if necessary. And so that's available  
 13 to you.  
 14 I don't really anticipate much need for discovery  
 15 during this process, if any. If there is such a need, however,  
 16 I'm going to set a three-business-day turnaround, recognizing  
 17 that there may have to be a request for an extra day or  
 18 something from time to time, because that's pretty short.  
 19 But we are on a tight schedule. The commissioners  
 20 asked me to set a schedule that would conclude this by the 31st  
 21 of May, which is not that far off. So that's why I'm  
 22 accelerating the response date.  
 23 As I mentioned at the outset, the -- the focus of this  
 24 phase of the proceeding is on the commission, the portion of  
 25 the commission's order concerning the power cost adjustment

Page 775

1 mechanism that the commission decided was important to put in  
 2 place for Pacific Power. And of course, we had the staff's  
 3 proposal along the lines of what the staff -- what the  
 4 commission has previously said it would find acceptable, and  
 5 following the precedent that we have in terms of the other  
 6 power cost adjustment mechanisms in the state and so forth. So  
 7 that's our starting point.  
 8 I -- the commission's order included several questions  
 9 concerning the PCAM that basically put to staff. I  
 10 appreciate -- I understand you prepared it, Mr. Gomez. So I'll  
 11 identify you as having prepared the responses for staff.  
 12 MR. GOMEZ: Yes, your Honor. And I'm prepared to  
 13 answer any questions --  
 14 JUDGE MOSS: Sure.  
 15 MR. GOMEZ: -- that you may have.  
 16 JUDGE MOSS: We're not going to get too much into the  
 17 substance today, but I did want to express my appreciation for  
 18 your proactive effort in providing some additional information  
 19 to the commission along the lines requested. That moves us  
 20 along that much further. So that's much appreciated.  
 21 I've given a lot of thought to this process and what  
 22 we ought to be about here. We have the commission's order, so  
 23 we know what we're doing. The question is how best to proceed.  
 24 And my goal, as is often the case in commission proceedings, is  
 25 to have the parties work together in a collaborative nature or

Page 776

1 fashion, I should say, and achieve a proposal, get to a  
 2 proposal that can be put before the commission, preferably as a  
 3 unanimous proposal, but if falling short of that, at least a  
 4 consensus proposal.  
 5 And I know there are some different perspectives on  
 6 how these things should be done. The commission has left us a  
 7 little bit of latitude, but not a great deal of latitude in  
 8 terms of the design. Actually, not so much the design, but the  
 9 details of the design.  
 10 I encouraged them to let me put in the order that the  
 11 devil is in the details, but they wouldn't let me do it, so  
 12 I'll just say it here. It can be devilish. I don't think it's  
 13 going to be that complicated in this case.  
 14 The response that staff provided has clarified some of  
 15 the bases or the bases for staff's specific proposals with  
 16 respect to the deadband and the sharing bands and so forth. I  
 17 took some notes as I was working through this the last few  
 18 days, and I just -- the -- we do have a paragraph 123 in the  
 19 order that lays out specific questions, "Is it appropriate to  
 20 use a WCA's jurisdictional divide for wholesale power cost?"  
 21 The staff response indicates that is not only the  
 22 case, but a necessary thing to do. Which makes sense to me,  
 23 since that's how power costs are allocated to Washington in the  
 24 first place. I'm sure the company or somebody else will tell  
 25 me if there's some room for discussion about that point.

1 We did have some evidence, some testimony from  
 2 Mr. Gomez in the earlier phase of the case concerning the  
 3 company's decision, determination that it could report actual  
 4 power costs on the basis of books, and that that was a very  
 5 helpful evolution in terms of how this is accounted for in  
 6 terms of addressing one of the concerns that the commission  
 7 expressed back I believe it was 2007; is that right? I think  
 8 that's right, 2007 order. I don't remember the docket number.  
 9 But so that's helpful.

10 The -- I would expect you all may wish to have some  
 11 discussion among yourselves about the level of the deadband and  
 12 whether everyone is in agreement that 25 million dollars is the  
 13 appropriate figure. And that's on a west control area basis;  
 14 right?

15 MR. GOMEZ: Yes, your Honor.

16 JUDGE MOSS: Okay. So -- and I'll pause there and say  
 17 one of the things that the commission would be interested in  
 18 seeing, and this could be developed through -- you could  
 19 consider it a bench request, I suppose, is how that relates  
 20 back to the discussion in the 2007 order in which there was a  
 21 table presented showing the deadband proposals by three parties  
 22 at that time.

23 The company had its own proposal, staff had a  
 24 proposal, and I believe it may have been ICNU instead of Boise  
 25 White Paper, Mr. Cowell, but for all effective purposes, your

1 that's what we're trying to capture in a deadband with the idea  
 2 being that that's manageable and the company either suffers  
 3 their loss or gathers the gain through that deadband  
 4 experience, and then beyond that we have the sharing bands.

5 I also understood staff's response on the question of  
 6 asymmetry in power costs. This was a factor that was  
 7 identified in the 2007 order as well that had not previously  
 8 been reflected in power cost adjustment mechanisms. They  
 9 had -- they had been, prior to that time, always balanced, so  
 10 it was a 50/50 sharing band or what have you.

11 And then, of course, beyond that, there was an  
 12 imbalance that was reflecting the nature of the costs that were  
 13 being experienced so that the extreme variations which would be  
 14 due to extraordinary events, presumably beyond the power of  
 15 anyone to control, other than perhaps certain nefarious  
 16 corporations in America that no longer exist -- and you all  
 17 know who I'm referring to -- but those extreme excursions in  
 18 power costs, of course, the company should be allowed to  
 19 recover most of its additional costs, and so that's reflected  
 20 in 90/10 sharing bands, that sort of thing.

21 On the other hand, where there's some extreme  
 22 excursion to the low side, then the customers would gain some  
 23 benefit in that connection. So -- so that -- that's a matter  
 24 of keen interest for the commission as well, the how we get to  
 25 the appropriate balance to reflect any asymmetry. And I think

1 client or among your clients, so -- so those proposals were  
 2 there. We'd like to see how the 25 million WCA deadband  
 3 relates to that, which is expressed in terms of Washington  
 4 allocated costs.

5 I'm sure we probably have people on our policy staff  
 6 who can readily do that, but I can't. And so I'd like to see  
 7 it from you all, if that would be something you could provide.  
 8 And of course, all parties are welcome to respond to a bench  
 9 request. Simply directing it towards staff, since the 25  
 10 million is your figure. That's one additional piece of data  
 11 we'd like to have.

12 Let me see. I'm looking at my notes here. All right.  
 13 That's sufficient on that. Staff's response to the questions,  
 14 one of which is, "Does 25 million dollars reflect normalized  
 15 variability in power costs?" does respond to that point. I  
 16 suppose the missing part of the question was: And how is that?  
 17 I mean, in terms of what -- what do we think of as normal  
 18 variability for Pacific Power.

19 I understand how staff arrived at the 20 -- at the  
 20 figure it did, looking at the Avista experience. It might be  
 21 useful to look, in addition, at the PSE experience. But most  
 22 specifically important is to understand whatever data is  
 23 pertinent to the company itself, to Pacific Power.

24 We want to get a real good solid sense of what the  
 25 sort of range of normal variability is, because of course

1 we probably, if it can be made available, if we could have more  
 2 detail on this point, it would probably be useful. I can't say  
 3 "probably." It will definitely be useful to us to be able to  
 4 analyze that in this -- in this particular instance.

5 And I'll just note and appreciate the candor, staff's  
 6 candor in saying that some of these things were arrived at and  
 7 determined to be useful starting points. I thought that was a  
 8 helpful thing to say. And I will -- I will say, I think they  
 9 are useful starting points for discussions among you all, and I  
 10 would encourage you to treat them that way. And again, perhaps  
 11 you can come back to us with a unanimous discussion about what  
 12 would be exactly right.

13 So that's about what I wanted to say, I think. And  
 14 let me open the floor and ask you all if you have some  
 15 questions for me, and I'll do my best to answer them and  
 16 sincerely as opposed to sometimes around here I say, "Well, if  
 17 I don't know, I'll just make something up." I'll try to give  
 18 you the best answer I can.

19 So do we have any questions from counsel or from  
 20 Ms. Siores or Mr. Gomez? I'll start with -- well, I normally  
 21 start with the company. So, Ms. McDowell, I'm going to start  
 22 with you.

23 MS. McDOWELL: My -- my questions are only procedural.  
 24 JUDGE MOSS: Sure. Okay.  
 25 MS. McDOWELL: So if there's substantive follow-up --

Page 781

1 JUDGE MOSS: Okay.  
 2 MS. McDOWELL: -- from staff, I'll defer to them.  
 3 JUDGE MOSS: And I don't want to get into substance  
 4 today; okay.  
 5 MS. McDOWELL: All right. So I was just going to say  
 6 that we have had some -- you know, we discussed internally a  
 7 schedule that might work and achieve some of the goals that  
 8 you've talked about. Some opportunity for collaboration, some  
 9 opportunity for presentation of a proposal that would,  
 10 hopefully, be consensus and ideally unanimous, and looked at  
 11 some dates that might work for that.  
 12 We've shopped the dates around this morning with the  
 13 folks in the room. Have not had a chance to talk to Simon or  
 14 Brad about them.  
 15 JUDGE MOSS: Okay.  
 16 MS. McDOWELL: But so far we're -- it looks like we've  
 17 at least achieved consensus on, you know, the kind of schedule  
 18 that we were looking at, which just at a high level, a couple  
 19 of very quick workshops here in the next couple weeks and then,  
 20 you know, filing, that we present the proposal, a chance for  
 21 responses if it wasn't a completely unanimous proposal, and a  
 22 quick chance for a reply. All of that --  
 23 JUDGE MOSS: And that's consistent with what I have  
 24 written down here. And I won't spoil things by trying to  
 25 inject myself into what the parties have or at least some of

Page 782

1 the parties have already had an opportunity to discuss, because  
 2 that sounds like --  
 3 MS. McDOWELL: That's great.  
 4 JUDGE MOSS: -- it's sort of along the lines of the  
 5 approach that I thought we would want to take. Of course we'll  
 6 hear from others. But yeah; okay. Thank you very much.  
 7 Appreciate that.  
 8 MS. McDOWELL: I mean, just because it's wide open  
 9 before we got too deep into that, I just wanted to make sure  
 10 the framework we were thinking about --  
 11 JUDGE MOSS: Yeah, that's consistent.  
 12 MS. McDOWELL: -- with what you're thinking about.  
 13 JUDGE MOSS: Yeah, and I will lay out for you what I  
 14 had in mind before, but just food for thought, so to speak.  
 15 Anybody else want to be heard on this particular point?  
 16 MR. OSHIE: Your Honor -- there we go.  
 17 JUDGE MOSS: There we go.  
 18 MR. OSHIE: Thank you, your Honor. I just want to add  
 19 that we're -- this is Pat Oshie from staff. We're comfortable  
 20 with the schedule. We have some and, you know, happy to tell  
 21 the court what the dates are. And it's a -- I think it works  
 22 for staff.  
 23 JUDGE MOSS: Okay. And anybody else? Mr. ffitich?  
 24 You don't know yet, do you?  
 25 MR. FFITCH: We are prepared to be comfortable.

Page 783

1 JUDGE MOSS: But you don't know yet. Well, I feel the  
 2 same way, Mr. ffitich. Let's find out what the dates -- what  
 3 dates these folks have in mind.  
 4 MR. FFITCH: Okay.  
 5 JUDGE MOSS: Somebody? Anybody? Yes.  
 6 MR. OSHIE: Pat Oshie from staff again, your Honor.  
 7 So what -- what we're suggesting, and these were proposed by  
 8 Ms. McDowell, and they work for staff, as I say. April 16th  
 9 would be a meeting of the parties followed by a second meeting  
 10 on April 23rd.  
 11 Those are largely driven, I think, by the fact that  
 12 all the parties will be here for different meetings that occur  
 13 on those dates.  
 14 JUDGE MOSS: Ah, okay.  
 15 MR. OSHIE: It's an opportune time to get together and  
 16 not have to make additional trips --  
 17 JUDGE MOSS: Okay.  
 18 MR. OSHIE: -- to Olympia or to other places.  
 19 JUDGE MOSS: Uh-huh.  
 20 MR. OSHIE: That the company would make its filing, if  
 21 needed, and there's -- hopefully we can get this through by  
 22 agreement, but if necessary there would be a filing made on May  
 23 1st, which either, I'm sure, would be a settlement or -- or at  
 24 least a proposal from the parties that all parties have joined  
 25 in for a filing of those parties that can agree or just a

Page 784

1 filing by the company.  
 2 I think I covered all the options on that. And so  
 3 that's a May 1st filing date followed by a May 11th response  
 4 date, and if necessary, a date of May 15th for short turnaround  
 5 response from the company, if -- or whoever is joined in the  
 6 May 1st filing.  
 7 JUDGE MOSS: Okay.  
 8 MR. OSHIE: And hopefully that would give the  
 9 commission, well, two weeks to issue a decision on whatever  
 10 matters are in play prior to June 1st.  
 11 JUDGE MOSS: Okay. All right. That's consistent  
 12 enough with what I had in mind. I'll just share with you that  
 13 I had thought -- I was slightly more ambitious. A first  
 14 meeting on the 15th rather than the 16th, but the 16th is fine.  
 15 I had in mind the second -- second meeting no later than the  
 16 20th, but the 23rd works for me since that's convenient for the  
 17 parties that we've heard from here.  
 18 And, Mr. ffitich, do those dates work for you?  
 19 MR. FFITCH: I think so. Just -- you know, just a  
 20 clarification. The 16th we have the attrition workshop  
 21 starting at 1:00 in the afternoon, so I'm assuming this would  
 22 be in the morning.  
 23 MS. McDOWELL: That's correct.  
 24 JUDGE MOSS: Okay.  
 25 MS. McDOWELL: That's correct.

1 JUDGE MOSS: That's correct.  
 2 MS. McDOWELL: Simon, that's how we -- I mean, we  
 3 thought, since folks are here in the afternoon, we could do  
 4 this workshop in the morning. Similarly, on the 23rd there is  
 5 a prehearing conference and meeting in PacifiCorp's QF filing.  
 6 MR. FFITCH: Right.  
 7 MS. McDOWELL: That's in the morning, so we were  
 8 thinking the 23rd would be in the afternoon.  
 9 MR. FFITCH: Okay. Thanks. That's what I thought you  
 10 had in mind. Went to the calendar, and that would work for us.  
 11 The other dates sound okay as well. The only additional  
 12 thought I had is whether the commission would want to add some  
 13 sort of a date after the paper filing.  
 14 It may be just a protective or precautionary date if  
 15 they wanted to bring folks in for some kind of in-person oral  
 16 argument or back and forth with the parties in real time. I  
 17 don't know that I'm necessarily requesting that. It's just a  
 18 thought, an additional option for the commission.  
 19 JUDGE MOSS: Yeah. Actually, I have reserved a date  
 20 for that of -- actually, it's perhaps later than it needs to be  
 21 under this schedule that you've outlined. I have reserved the  
 22 22nd of May for that oral argument, if needed. I might want to  
 23 try to move that up if I can find space on the commissioners'  
 24 calendars in light of the schedule here.  
 25 And the one other thing I would like to mention is I

1 that idea? I'm all for reducing trips. I'm here anyway. I'm  
 2 the judge on the avoided cost matter.  
 3 MS. McDOWELL: Sure. That makes sense.  
 4 JUDGE MOSS: Okay. Well, let's set a status  
 5 conference for let's say, oh, 4:00 in the afternoon. And that  
 6 will be on the 23rd. All right. And that will give us a  
 7 chance to catch our breath and see where we are, see if we need  
 8 to make any changes, tweak anything.  
 9 That's about -- about halfway through the process in  
 10 terms of the time that's been made available to us. All right.  
 11 Well, that sounds good. And I appreciate the fact that  
 12 everybody's sort of thinking along the same lines here. I  
 13 think that's good.  
 14 And, you know, small -- small agreements can create  
 15 momentum toward larger agreements, and I'm encouraged by what  
 16 I'm hearing this morning. So I -- I will in turn offer back my  
 17 encouragement to you to continue in this path and let's get  
 18 something in place, as the commission has asked us to do, by  
 19 the 31st of May.  
 20 Is there anything else we need to talk about this  
 21 morning? Again, I didn't want to get into substance this  
 22 morning, because that wasn't noted. So it would be  
 23 inappropriate to really get into that.  
 24 MR. FFITCH: Your Honor, this is Simon ffitch. Just  
 25 with regards to scheduling the oral argument, I just want to

1 have built into my proposed schedule a status conference with  
 2 me following an opportunity, you all's opportunity to develop  
 3 sort of a collaborative result, if you will.  
 4 Do the parties think that would be useful? My  
 5 thinking is if we -- if you have gotten close or -- but not  
 6 quite achieved it or if you're just miles apart and we're going  
 7 to have filings to -- to consider, then it would be good to  
 8 know that, good for the commission to know that.  
 9 And of course, the official communications medium is  
 10 me. So that's what I had in mind. If you're close, it might  
 11 be that I could help you get there. And I'm also prepared to  
 12 help you with the facilitator if that would -- if things could  
 13 benefit from that.  
 14 We want to do everything we can to support your  
 15 efforts. And so I was thinking of a status conference couple  
 16 of days -- let's see. You all were talking about filing on May  
 17 1st. So I would -- I would say by then -- be before then,  
 18 certainly, you would know where you're going to be. I guess  
 19 after your -- after your second conference on the 23rd, you  
 20 actually have a pretty good sense of --  
 21 MR. COWELL: Your Honor, I was going to -- Jesse  
 22 Cowell for Boise. I was going to suggest would it make sense  
 23 to have it kind of later there in the afternoon on the 23rd?  
 24 Part of the reason I was thinking of reducing a trip, but --  
 25 JUDGE MOSS: Yeah. What do the parties think about

1 report to you that I have a commitment for the 19th, 20th and  
 2 21st, unfortunately, so I'll be out of the office for a  
 3 work-related matter those three days.  
 4 JUDGE MOSS: Okay. Well, we'll see -- I think we'll  
 5 probably reassess at the time of the status conference in terms  
 6 of what we may need and when we may do it. So the date that I  
 7 had reserved, the commissioners' calendars fill up pretty  
 8 quickly, so I wanted to go ahead and reserve a date.  
 9 I probably will go back to them momentarily after this  
 10 and reserve another date somewhat earlier. But I will -- I  
 11 will avoid the 19th, certainly, through the 21st.  
 12 MR. FFITCH: Thank you very much.  
 13 JUDGE MOSS: All right. Anybody else want to let me  
 14 know of any unavoidable conflicts in the upcoming month or six  
 15 weeks?  
 16 MR. OSHIE: I believe we're okay, your Honor.  
 17 JUDGE MOSS: All right. Good. All right. Well, it  
 18 seems that there is no other business for us to conduct this  
 19 morning, and I appreciate you all being here. And I look  
 20 forward to working with you to bringing this matter to a speedy  
 21 and friendly conclusion. So with that we'll be off the record.  
 22 MS. McDOWELL: Thank you, your Honor.  
 23 MR. COWELL: Thank you, your Honor.  
 24 (Proceedings concluded at 10:28 a.m.)  
 25 -o0o-

CERTIFICATE

STATE OF WASHINGTON  
COUNTY OF KING

I, Kathleen Hamilton, a Certified Shorthand Reporter and  
Notary Public in and for the State of Washington, do hereby  
certify that the foregoing transcript of the proceedings on  
APRIL 10, 2015, is true and accurate to the best of my  
knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 20TH day of APRIL, 2015.



  
KATHLEEN HAMILTON, RPR, CRR, CCR



<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 769:12 772:2 788:24</p> <p><b>ability</b> 789:10</p> <p><b>able</b> 780:3</p> <p><b>accelerating</b> 774:22</p> <p><b>acceptable</b> 775:4</p> <p><b>accounted</b> 777:5</p> <p><b>accurate</b> 789:9</p> <p><b>achieve</b> 776:1 781:7</p> <p><b>achieved</b> 781:17 786:6</p> <p><b>actively</b> 774:4</p> <p><b>actual</b> 777:3</p> <p><b>add</b> 782:18 785:12</p> <p><b>addition</b> 778:21</p> <p><b>additional</b> 775:18 778:10 779:19 783:16 785:11,18</p> <p><b>addressing</b> 777:6</p> <p><b>adjustment</b> 772:16 774:25 775:6 779:8</p> <p><b>administrative</b> 770:2 772:6</p> <p><b>afternoon</b> 784:21 785:3,8 786:23 787:5</p> <p><b>agree</b> 783:25</p> <p><b>agreement</b> 777:12 783:22</p> <p><b>agreements</b> 787:14 787:15</p> <p><b>Ah</b> 783:14</p> <p><b>ahead</b> 772:22 788:8</p> <p><b>all's</b> 786:2</p> <p><b>Alliance</b> 773:17</p> <p><b>allocated</b> 776:23 778:4</p> <p><b>allowed</b> 779:18</p> <p><b>ambitious</b> 784:13</p> <p><b>America</b> 779:16</p> <p><b>analyze</b> 780:4</p> <p><b>answer</b> 775:13</p>	<p>780:15,18</p> <p><b>anticipate</b> 773:22 774:14</p> <p><b>anybody</b> 773:13 782:15,23 783:5 788:13</p> <p><b>anyway</b> 774:1 787:1</p> <p><b>apart</b> 786:6</p> <p><b>appearance</b> 773:7 773:14</p> <p><b>appearances</b> 772:17</p> <p><b>appreciate</b> 775:10 780:5 782:7 787:11 788:19</p> <p><b>appreciated</b> 775:20</p> <p><b>appreciation</b> 775:17</p> <p><b>approach</b> 782:5</p> <p><b>appropriate</b> 776:19 777:13 779:25</p> <p><b>April</b> 769:12 772:1 783:8,10 789:9,12</p> <p><b>area</b> 777:13</p> <p><b>argument</b> 785:16 785:22 787:25</p> <p><b>arrived</b> 778:19 780:6</p> <p><b>ascertain</b> 774:5</p> <p><b>asked</b> 774:20 787:18</p> <p><b>asks</b> 773:24</p> <p><b>aspect</b> 772:14</p> <p><b>Assistant</b> 770:10 771:4</p> <p><b>assuming</b> 784:21</p> <p><b>asymmetry</b> 779:6 779:25</p> <p><b>Attorney</b> 771:4</p> <p><b>Attorneys</b> 770:10</p> <p><b>attrition</b> 784:20</p> <p><b>available</b> 774:12 780:1 787:10</p> <p><b>Avenue</b> 769:20</p>	<p>770:16 771:5</p> <p><b>Avista</b> 778:20</p> <p><b>avoid</b> 788:11</p> <p><b>avoided</b> 787:2</p> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 777:7,20 780:11 785:16 787:16 788:9</p> <p><b>balance</b> 779:25</p> <p><b>balanced</b> 779:9</p> <p><b>band</b> 779:10</p> <p><b>bands</b> 776:16 779:4 779:20</p> <p><b>bases</b> 776:15,15</p> <p><b>basically</b> 775:9</p> <p><b>basis</b> 777:4,13</p> <p><b>behalf</b> 772:20,23 773:8,11</p> <p><b>believe</b> 774:3 777:7 777:24 788:16</p> <p><b>bench</b> 777:19 778:8</p> <p><b>benefit</b> 779:23 786:13</p> <p><b>best</b> 775:23 780:15 780:18 789:9</p> <p><b>beyond</b> 779:4,11,14</p> <p><b>bit</b> 776:7</p> <p><b>bmpurdy@hotmail...</b> 771:12</p> <p><b>Boise</b> 770:19 771:11 772:23 777:24 786:22</p> <p><b>books</b> 777:4</p> <p><b>bother</b> 772:12</p> <p><b>Box</b> 770:6,10</p> <p><b>Brad</b> 771:10,10 773:8 781:14</p> <p><b>breath</b> 787:7</p> <p><b>Brett</b> 770:9 773:4</p> <p><b>bretts@atg.wa.gov</b> 770:12</p> <p><b>bridge</b> 773:6,13</p> <p><b>bring</b> 785:15</p> <p><b>bringing</b> 788:20</p> <p><b>Buell</b> 769:19</p>	<p><b>built</b> 786:1</p> <p><b>business</b> 772:17 774:9 788:18</p> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 770:1 771:1 789:1,1</p> <p><b>calendar</b> 785:10</p> <p><b>calendars</b> 785:24 788:7</p> <p><b>candor</b> 780:5,6</p> <p><b>capture</b> 779:1</p> <p><b>case</b> 772:11,11 775:24 776:13,22 777:2</p> <p><b>catch</b> 787:7</p> <p><b>CCR</b> 769:18 789:16</p> <p><b>certain</b> 779:15</p> <p><b>certainly</b> 786:18 788:11</p> <p><b>Certified</b> 789:6</p> <p><b>certify</b> 789:8</p> <p><b>chance</b> 781:13,20 781:22 787:7</p> <p><b>changes</b> 787:8</p> <p><b>Chief</b> 771:4</p> <p><b>clarification</b> 784:20</p> <p><b>clarified</b> 776:14</p> <p><b>Cleve</b> 770:21</p> <p><b>client</b> 778:1</p> <p><b>clients</b> 778:1</p> <p><b>close</b> 786:5,10</p> <p><b>collaboration</b> 781:8</p> <p><b>collaborative</b> 775:25 786:3</p> <p><b>come</b> 780:11</p> <p><b>comfortable</b> 782:19 782:25</p> <p><b>commission</b> 769:2 769:4,13 770:4,8 772:7 773:3 774:24 775:1,4,19 775:24 776:2,6</p>	<p>777:6,17 779:24 784:9 785:12,18 786:8 787:18</p> <p><b>commission's</b> 774:25 775:8,22</p> <p><b>commissioners</b> 774:19 785:23 788:7</p> <p><b>commitment</b> 788:1</p> <p><b>communications</b> 786:9</p> <p><b>company</b> 769:7 772:18 776:24 777:23 778:23 779:2,18 780:21 783:20 784:1,5</p> <p><b>company's</b> 777:3</p> <p><b>Complainant</b> 769:5</p> <p><b>completely</b> 781:21</p> <p><b>complicated</b> 776:13</p> <p><b>concerning</b> 774:25 775:9 777:2</p> <p><b>concerns</b> 777:6</p> <p><b>conclude</b> 774:20</p> <p><b>concluded</b> 788:24</p> <p><b>conclusion</b> 788:21</p> <p><b>conduct</b> 788:18</p> <p><b>conference</b> 773:6 785:5 786:1,15,19 787:5 788:5</p> <p><b>conflicts</b> 788:14</p> <p><b>connection</b> 772:8 779:23</p> <p><b>consensus</b> 776:4 781:10,17</p> <p><b>consequence</b> 773:19</p> <p><b>consequences</b> 773:25</p> <p><b>consider</b> 777:19 786:7</p> <p><b>consistent</b> 781:23 782:11 784:11</p> <p><b>consolidated</b> 769:7 772:12</p>
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<p><b>continue</b> 787:17  <b>CONTINUED</b>                      771:1  <b>control</b> 777:13                      779:15  <b>convenient</b> 784:16  <b>corporations</b>                      779:16  <b>correct</b> 774:7                      784:23,25 785:1  <b>cost</b> 772:15 774:25                      775:6 776:20                      779:8 787:2  <b>costs</b> 776:23 777:4                      778:4,15 779:6,12                      779:18,19  <b>counsel</b> 771:2,4                      773:11,20 780:19  <b>COUNTY</b> 789:4  <b>couple</b> 781:18,19                      786:15  <b>course</b> 775:2 778:8                      778:25 779:11,18                      782:5 786:9  <b>court</b> 782:21  <b>covered</b> 784:2  <b>Cowell</b> 770:20                      772:23,23,25                      777:25 786:21,22                      788:23  <b>create</b> 787:14  <b>CRR</b> 769:18                      789:16  <b>customers</b> 779:22</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>data</b> 778:10,22  <b>date</b> 774:22 784:3,4                      784:4 785:13,14                      785:19 788:6,8,10  <b>dates</b> 781:11,12                      782:21 783:2,3,13                      784:18 785:11  <b>David</b> 773:3  <b>Davison</b> 770:21  <b>day</b> 774:9,17</p>	<p>789:12  <b>days</b> 776:18 786:16                      788:3  <b>deadband</b> 776:16                      777:11,21 778:2                      779:1,3  <b>deal</b> 776:7  <b>decided</b> 775:1  <b>decision</b> 777:3                      784:9  <b>deep</b> 782:9  <b>defer</b> 781:2  <b>definitely</b> 780:3  <b>Dennis</b> 770:3 772:6  <b>design</b> 776:8,8,9  <b>designated</b> 772:10  <b>detail</b> 780:2  <b>details</b> 776:9,11  <b>determination</b>                      777:3  <b>determined</b> 780:7  <b>develop</b> 786:2  <b>developed</b> 777:18  <b>devil</b> 776:11  <b>devilish</b> 776:12  <b>different</b> 776:5                      783:12  <b>directing</b> 778:9  <b>discovery</b> 774:12                      774:14  <b>discuss</b> 782:1  <b>discussed</b> 781:6  <b>discussion</b> 776:25                      777:11,20 780:11  <b>discussions</b> 780:9  <b>divide</b> 776:20  <b>Division</b> 771:5  <b>docket</b> 769:6                      772:11 777:8  <b>dockets</b> 772:12  <b>doing</b> 775:23  <b>dollars</b> 777:12                      778:14  <b>Drive</b> 769:14 770:5  <b>driven</b> 783:11</p>	<p><b>due</b> 779:14</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 770:1,1,20 771:1                      771:1 789:1,1  <b>e-mail</b> 773:15  <b>earlier</b> 777:2                      788:10  <b>effective</b> 777:25  <b>effort</b> 775:18  <b>efforts</b> 786:15  <b>either</b> 773:23 779:2                      783:23  <b>encourage</b> 780:10  <b>encouraged</b> 776:10                      787:15  <b>encouragement</b>                      787:17  <b>Energy</b> 771:9 773:9                      774:4  <b>enter</b> 773:7  <b>entered</b> 773:13  <b>events</b> 779:14  <b>Evergreen</b> 769:14                      770:5  <b>everybody</b> 772:5  <b>everybody's</b> 787:12  <b>evidence</b> 777:1  <b>evolution</b> 777:5  <b>exactly</b> 780:12  <b>excursion</b> 779:22  <b>excursions</b> 779:17  <b>excuse</b> 773:24  <b>excused</b> 773:18  <b>exist</b> 779:16  <b>expect</b> 777:10  <b>experience</b> 778:20                      778:21 779:4  <b>experienced</b> 779:13  <b>express</b> 775:17  <b>expressed</b> 777:7                      778:3  <b>extra</b> 774:17  <b>extraordinary</b>                      779:14  <b>extreme</b> 779:13,17</p>	<p>779:21</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F</b> 789:1  <b>facilitate</b> 774:12  <b>facilitator</b> 786:12  <b>fact</b> 783:11 787:11  <b>factor</b> 779:6  <b>falling</b> 776:3  <b>far</b> 774:21 781:16  <b>fashion</b> 776:1  <b>fear</b> 773:19  <b>feel</b> 783:1  <b>ffitch</b> 771:3 773:10                      773:11,11 782:23                      782:25 783:2,4                      784:18,19 785:6,9                      787:24,24 788:12  <b>figure</b> 777:13                      778:10,20  <b>filing</b> 781:20                      783:20,22,25                      784:1,3,6 785:5                      785:13 786:16  <b>filings</b> 786:7  <b>fill</b> 788:7  <b>find</b> 775:4 783:2                      785:23  <b>fine</b> 784:14  <b>first</b> 772:17 774:10                      776:24 784:13  <b>floor</b> 780:14  <b>focus</b> 772:14                      774:23  <b>folks</b> 781:13 783:3                      785:3,15  <b>follow-up</b> 780:25  <b>followed</b> 783:9                      784:3  <b>following</b> 775:5                      786:2  <b>food</b> 782:14  <b>foregoing</b> 789:8  <b>form</b> 772:18  <b>forth</b> 775:6 776:16                      785:16</p>	<p><b>forward</b> 788:20  <b>Fourth</b> 769:20  <b>framework</b> 782:10  <b>frankly</b> 773:25  <b>friendly</b> 788:21  <b>further</b> 775:20</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gain</b> 779:3,22  <b>gathered</b> 772:8  <b>gathers</b> 779:3  <b>general</b> 770:10                      771:4 772:11  <b>Gibson</b> 770:15  <b>give</b> 780:17 784:8                      787:6  <b>given</b> 775:21  <b>go</b> 772:22 773:1                      782:16,17 788:8,9  <b>goal</b> 775:24  <b>goals</b> 781:7  <b>going</b> 772:12                      774:16 775:16                      776:13 780:21                      781:5 786:6,18,21                      786:22  <b>Gomez</b> 773:3                      775:10,12,15                      777:2,15 780:20  <b>good</b> 772:5 778:24                      786:7,8,20 787:11                      787:13 788:17  <b>gotten</b> 786:5  <b>great</b> 776:7 782:3  <b>guess</b> 786:18</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>halfway</b> 787:9  <b>Hamilton</b> 769:18                      789:6,16  <b>hand</b> 779:21                      789:11  <b>happy</b> 782:20  <b>hear</b> 782:6  <b>heard</b> 773:20                      782:15 784:17</p>
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<p>hearing 787:16  help 786:11,12  helpful 777:5,9  780:8  hereunto 789:11  high 781:18  Honor 774:7  775:12 777:15  782:16,18 783:6  786:21 787:24  788:16,22,23  hopefully 781:10  783:21 784:8</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>ICNU 777:24  Idaho 771:11  idea 779:1 787:1  ideally 781:10  identified 779:7  identify 775:11  imbalance 779:12  important 775:1  778:22  in-person 785:15  inappropriate  787:23  included 775:8  indicated 773:16  774:3  indicates 776:21  information 775:18  inject 781:25  instance 780:4  intending 773:17  interest 779:24  interested 777:17  interests 774:6  internally 781:6  involving 772:15  issue 784:9</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>J 770:3,9 771:3  jec@dvclaw.com  770:23</p>	<p>Jesse 770:20  772:23 786:21  joined 783:24  784:5  judge 770:2 772:5  772:6,19,22,25  773:2,5,10,12  774:8 775:14,16  777:16 780:24  781:1,3,15,23  782:4,11,13,17,23  783:1,5,14,17,19  784:7,11,24 785:1  785:19 786:25  787:2,4 788:4,13  788:17  June 784:10  jurisdictional  776:20</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>Kapla 773:16  Katherine 770:15  772:19  katherine@mcd-...  770:18  Kathleen 769:18  789:6,16  keen 779:24  kind 781:17 785:15  786:23  KING 789:4  know 773:6 775:23  776:5 779:17  780:17 781:6,17  781:20 782:20,24  783:1 784:19  785:17 786:8,8,18  787:14 788:14  knowledge 789:10</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>largely 783:11  larger 787:15  latitude 776:7,7  law 770:2 771:10</p>	<p>772:6  lay 782:13  lays 776:19  left 776:6  let's 773:1 783:2  786:16 787:4,5,17  level 777:11 781:18  light 769:7 785:24  line 773:6,10,13  lines 775:3,19  782:4 787:12  lineup 774:9  list 772:13  listen 774:5  little 776:7  LLC 769:19  longer 779:16  look 778:21 788:19  looked 781:10  looking 778:12,20  781:18  looks 781:16  loss 779:3  lot 775:21  low 779:22  lurking 774:1</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>M 771:10,10  manageable 779:2  matter 779:23  787:2 788:3,20  matters 784:10  McDOWELL  770:15,15 772:18  772:19,20 780:21  780:23,25 781:2,5  781:16 782:3,8,12  783:8 784:23,25  785:2,7 787:3  788:22  mean 778:17 782:8  785:2  mechanism 772:16  775:1  mechanisms 775:6</p>	<p>779:8  medium 786:9  meeting 783:9,9  784:14,15 785:5  meetings 783:12  mention 785:25  mentioned 774:23  miles 786:6  million 777:12  778:2,10,14  mind 782:14 783:3  784:12,15 785:10  786:10  missing 778:16  moment 772:16  momentarily 788:9  momentum 787:15  month 788:14  morning 772:5,8  772:13,20 773:3  773:21 781:12  784:22 785:4,7  787:16,21,22  788:19  Moss 770:3 772:5,6  772:19,22,25  773:5,10,12 774:8  775:14,16 777:16  780:24 781:1,3,15  781:23 782:4,11  782:13,17,23  783:1,5,14,17,19  784:7,11,24 785:1  785:19 786:25  787:4 788:4,13,17  move 785:23  moves 775:19</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p>N 770:1 771:1,11  name 772:5  Natasha 772:21  National 769:22  nature 775:25  779:12  necessarily 785:17</p>	<p>necessary 774:12  776:22 783:22  784:4  need 774:14,15  787:7,20 788:6  needed 783:21  785:22  needs 785:20  nefarious 779:15  normal 778:17,25  normalized 778:14  normally 780:20  Notary 789:7  note 780:5  noted 787:22  notes 776:17  778:12  number 777:8</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p>ofo 772:3 788:25  occur 783:12  offer 787:16  office 771:10 788:2  official 786:9  officially 772:9  oh 787:5  okay 777:16 780:24  781:1,4,15 782:6  782:23 783:4,14  783:17 784:7,11  784:24 785:9,11  787:4 788:4,16  Olympia 769:14,22  770:6,11 772:1  783:18  open 780:14 782:8  opportune 783:15  opportunity 781:8  781:9 782:1 786:2  786:2  opposed 780:16  option 785:18  options 784:2  oral 785:15,22  787:25</p>
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<p><b>order</b> 772:17 774:11,25 775:8 775:22 776:10,19 777:8,20 779:7 <b>Oregon</b> 770:17,22 <b>Oshie</b> 770:9 773:2 773:2 782:16,18 782:19 783:6,6,15 783:18,20 784:8 788:16 <b>ought</b> 775:22 <b>outlined</b> 785:21 <b>outset</b> 774:23</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 770:1,1,9 771:1,1 <b>Pacific</b> 769:7 772:10 775:2 778:18,23 <b>PacifiCorp</b> 772:20 <b>PacifiCorp's</b> 785:5 <b>Pages</b> 769:10 <b>paper</b> 770:19 772:24 777:25 785:13 <b>paragraph</b> 776:18 <b>Park</b> 769:14 770:5 <b>part</b> 778:16 786:24 <b>participate</b> 773:17 774:4 <b>participating</b> 773:23 <b>particular</b> 780:4 782:15 <b>particularly</b> 773:21 <b>parties</b> 773:12 775:25 777:21 778:8 781:25 782:1 783:9,12,24 783:24,25 784:17 785:16 786:4,25 <b>Pat</b> 773:2 782:19 783:6 <b>path</b> 787:17 <b>PATRICK</b> 770:9 <b>pause</b> 777:16</p>	<p><b>PC</b> 770:15,21 <b>PCAM</b> 775:9 <b>people</b> 778:5 <b>perspectives</b> 776:5 <b>pertinent</b> 778:23 <b>phase</b> 772:9 773:17 773:23 774:5,24 777:2 <b>phone</b> 771:3,10 <b>piece</b> 778:10 <b>place</b> 774:11,11 775:2 776:24 787:18 <b>places</b> 783:18 <b>play</b> 784:10 <b>PO</b> 770:6,10 <b>point</b> 775:7 776:25 778:15 780:2 782:15 <b>points</b> 780:7,9 <b>policy</b> 778:5 <b>portion</b> 774:24 <b>Portland</b> 770:17,22 <b>poshie@utc.wa.g...</b> 770:12 <b>potential</b> 773:24 <b>power</b> 769:7 772:10,15 774:25 775:2,6 776:20,23 777:4 778:15,18 778:23 779:6,8,14 779:18 <b>precautionary</b> 785:14 <b>precedent</b> 775:5 <b>preferably</b> 776:2 <b>prehearing</b> 785:5 <b>prepared</b> 775:10 775:11,12 782:25 786:11 <b>present</b> 781:20 <b>presentation</b> 781:9 <b>presented</b> 777:21 <b>presumably</b> 779:14 <b>pretty</b> 774:18</p>	<p>786:20 788:7 <b>previously</b> 773:15 775:4 779:7 <b>prior</b> 779:9 784:10 <b>proactive</b> 775:18 <b>probably</b> 778:5 780:1,2,3 788:5,9 <b>procedural</b> 780:23 <b>proceed</b> 775:23 <b>proceeding</b> 772:14 773:18,22,23 774:11,24 <b>proceedings</b> 775:24 788:24 789:8 <b>process</b> 774:15 775:21 787:9 <b>Project</b> 771:9 773:9 774:4 <b>proposal</b> 772:15 775:3 776:1,2,3,4 777:23,24 781:9 781:20,21 783:24 <b>proposals</b> 776:15 777:21 778:1 <b>proposed</b> 783:7 786:1 <b>protective</b> 774:10 785:14 <b>provide</b> 778:7 <b>provided</b> 776:14 <b>providing</b> 775:18 <b>PSE</b> 778:21 <b>public</b> 771:2,4 773:11 789:7 <b>Purdy</b> 771:10,10 773:6,8,8 774:2,3 774:7 <b>purposes</b> 777:25 <b>put</b> 775:1,9 776:2 776:10</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>QF</b> 785:5 <b>question</b> 775:23 778:16 779:5 <b>questions</b> 775:8,13</p>	<p>776:19 778:13 780:15,19,23 <b>quick</b> 781:19,22 <b>quickly</b> 773:7 788:8 <b>quite</b> 786:6</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 770:1 771:1 789:1 <b>Rackner</b> 770:15 <b>range</b> 778:25 <b>rate</b> 772:11,11 <b>readily</b> 778:6 <b>real</b> 778:24 785:16 <b>really</b> 773:22 774:14 787:23 <b>Realtime</b> 769:19 <b>reason</b> 786:24 <b>reassess</b> 788:5 <b>recognizing</b> 774:16 <b>record</b> 788:21 <b>recover</b> 779:19 <b>reducing</b> 786:24 787:1 <b>referring</b> 779:17 <b>reflect</b> 778:14 779:25 <b>reflected</b> 779:8,19 <b>reflecting</b> 779:12 <b>regards</b> 787:25 <b>relates</b> 777:19 778:3 <b>remains</b> 774:11 <b>remember</b> 777:8 <b>remind</b> 774:10 <b>reply</b> 781:22 <b>report</b> 777:3 788:1 <b>REPORTED</b> 769:18 <b>Reporter</b> 789:6 <b>Reporting</b> 769:19 <b>representing</b> 773:2 <b>request</b> 774:17 777:19 778:9 <b>requested</b> 775:19</p>	<p><b>requesting</b> 785:17 <b>reserve</b> 788:8,10 <b>reserved</b> 785:19,21 788:7 <b>respect</b> 776:16 <b>respond</b> 778:8,15 <b>Respondent</b> 769:8 770:14 <b>response</b> 774:22 776:14,21 778:13 779:5 784:3,5 <b>responses</b> 775:11 781:21 <b>result</b> 786:3 <b>right</b> 772:22,25 773:5,12,14,15 774:8 777:7,8,14 778:12 780:12 781:5 784:11 785:6 787:6,10 788:13,17,17 <b>Roberts</b> 773:24 <b>room</b> 769:14 773:13 776:25 781:13 <b>RPR</b> 769:18 789:16</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 769:14 770:1 771:1 <b>saying</b> 780:6 <b>schedule</b> 774:19,20 781:7,17 782:20 785:21,24 786:1 <b>scheduling</b> 787:25 <b>seal</b> 789:11 <b>Seattle</b> 769:21,21 771:6 <b>second</b> 783:9 784:15,15 786:19 <b>see</b> 778:2,6,12 786:16 787:7,7 788:4 <b>seeing</b> 777:18 <b>Senior</b> 771:4 <b>sense</b> 776:22</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>778:24 786:20,22 787:3 set 774:16,20 787:4 789:11 settlement 783:23 share 784:12 sharing 776:16 779:4,10,20 Shearer 770:9 773:4 shopped 781:12 short 772:18 774:18 776:3 784:4 Shorthand 789:6 showing 777:21 side 779:22 Similarly 785:4 Simon 771:3 773:11 781:13 785:2 787:24 simonf@atg.wa.... 771:7 Simply 778:9 sincerely 780:16 Siores 772:21 780:20 sir 773:8 six 788:14 skill 789:10 slightly 784:13 small 787:14,14 Solar 773:16 solid 778:24 somebody 776:24 783:5 somewhat 788:10 sort 778:25 779:20 782:4 785:13 786:3 787:12 sound 785:11 sounds 782:2 787:11 South 770:5 space 785:23</p>	<p>speak 782:14 specific 776:15,19 specifically 778:22 speedy 788:20 spoil 781:24 spoke 774:2 staff 770:8 772:15 773:3 775:3,9,11 776:14,21 777:23 778:5,9,19 781:2 782:19,22 783:6,8 staff's 775:2 776:15 778:13 779:5 780:5 stake 774:6 start 772:18 780:20 780:21,21 starting 775:7 780:7,9 784:21 state 775:6 789:3,7 status 786:1,15 787:4 788:5 Street 771:11 substance 775:17 781:3 787:21 substantive 780:25 suffers 779:2 sufficient 778:13 suggest 786:22 suggesting 783:7 Suite 769:20 770:16 771:6 support 786:14 suppose 777:19 778:16 sure 775:14 776:24 778:5 780:24 782:9 783:23 787:3 surprising 773:21 SW 769:14 770:5 770:16,21</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p>T 789:1,1 table 777:21</p>	<p>take 772:17 782:5 talk 781:13 787:20 talked 781:8 talking 786:16 Taylor 770:21 TB-14 771:6 telephone 774:2 tell 776:24 782:20 terms 775:5 776:8 777:5,6 778:3,17 787:10 788:5 testimony 777:1 Thank 772:19 773:2,5 782:6,18 788:12,22,23 Thanks 773:14 785:9 thing 776:22 779:20 780:8 785:25 things 776:6 777:17 780:6 781:24 786:12 think 773:15,25 776:12 777:7 778:17 779:25 780:8,13 782:21 783:11 784:2,19 786:4,25 787:13 788:4 thinking 772:9 782:10,12 785:8 786:5,15,24 787:12 thought 775:21 780:7 782:5,14 784:13 785:3,9,12 785:18 three 777:21 788:3 three-business-day 774:16 tight 774:19 time 774:18,18 777:22 779:9 783:15 785:16</p>	<p>787:10 788:5 today 773:14 774:5 775:17 781:4 told 773:18 transcript 789:8 Transportation 769:2,4,13 770:4 772:7 treat 780:10 trip 786:24 trips 783:16 787:1 true 789:9 try 780:17 785:23 trying 779:1 781:24 turn 787:16 turnaround 774:16 784:4 tweak 787:8 two 772:9 784:9</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p>UE-140617 769:7 UE-140762 769:6 772:11 Uh-huh 783:19 unanimous 776:3 780:11 781:10,21 unavoidable 788:14 understand 775:10 778:19,22 understood 779:5 unfortunately 788:2 upcoming 788:14 use 776:20 useful 778:21 780:2 780:3,7,9 786:4 Utilities 769:2,4,13 770:4 772:7</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p>v 769:6 Van 770:21 variability 778:15 778:18,25</p>	<p>variations 779:13 VII 769:10 VOLUME 769:10</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p>Wal-Mart 773:20 want 775:17 778:24 781:3 782:5,15,18 785:12,22 786:14 787:21,25 788:13 wanted 774:5,10 780:13 782:9 785:15 788:8 Washington 769:2 769:4,13,14,21 770:4,6,11 771:6 772:1,7 776:23 778:3 789:3,7 wasn't 781:21 787:22 way 780:10 783:2 WCA 778:2 WCA's 776:20 we'll 772:16,18 782:5 788:4,4,21 we're 775:16,23 779:1 781:16 782:19,19 783:7 786:6 788:16 we've 781:12,16 784:17 weeks 781:19 784:9 788:15 welcome 772:25 778:8 Went 785:10 west 777:13 WHEREOF 789:11 White 770:19 772:23 777:25 wholesale 776:20 wide 782:8 wish 773:13 774:4 777:10 WITNESS 789:11</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>work</b> 775:25 781:7	<b>2</b>	<b>5th</b> 771:5	
781:11 783:8	20 778:19		
784:18 785:10	2000 771:6	<b>6</b>	
<b>work-related</b> 788:3	2007 777:7,8,20		
<b>working</b> 776:17	779:7	<b>7</b>	
788:20	2015 769:12 772:1	769 769:10	
<b>works</b> 782:21	789:9,12	789 769:10	
784:16	2019 771:11		
<b>workshop</b> 784:20	206 769:14	<b>8</b>	
785:4	206.287.9066	800 771:5	
<b>workshops</b> 781:19	769:21	800.846.6989	
<b>wouldn't</b> 776:11	206.389.2055 771:7	769:22	
<b>written</b> 781:24	208.384.1299	83702 771:11	
<b>www.buellrealti...</b>	771:12		
769:23	20th 784:16 788:1	<b>9</b>	
	789:12	90/10 779:20	
<b>X</b>	21st 788:2,11	97204 770:22	
	22nd 785:22	97205 770:17	
<b>Y</b>	23rd 783:10 784:16	98101 769:21	
<b>yeah</b> 782:6,11,13	785:4,8 786:19,23	98104 771:6	
785:19 786:25	787:6	98504 770:6,11	
<b>yesterday</b> 774:2	25 777:12 778:2,9		
	778:14		
<b>Z</b>			
	<b>3</b>		
<b>0</b>	31st 774:20 787:19		
	333 770:21		
<b>1</b>	360.534.9066		
1:00 784:21	769:22		
10 769:12 772:1	360.664.1136 770:7		
789:9	360.664.1188		
10:03 769:12 772:2	770:11		
10:28 788:24			
11th 770:16 784:3	<b>4</b>		
123 776:18	4:00 787:5		
1300 769:14 770:5	400 770:16		
1325 769:20	40128 770:10		
15th 784:4,14	419 770:16		
16th 783:8 784:14	47250 770:6		
784:14,20			
17th 771:11	<b>5</b>		
1840 769:20	50/50 779:10		
1917 769:18	503.241.7242		
19th 788:1,11	770:22		
1st 783:23 784:3,6	503.595.3924		
784:10 786:17	770:17		