

From: [Friedlander, Marguerite \(UTC\)](#)
To: [UTC DL Records Center](#)
Subject: FW: Discovery in UE-152253
Date: Monday, May 09, 2016 3:47:14 PM

Please add this email chain to the case file in Docket UE-152253.

Thank you!

Marguerite E. Friedlander
Administrative Law Judge
Washington Utilities and Transportation Commission

From: Friedlander, Marguerite (UTC)
Sent: Monday, May 9, 2016 3:46 PM
To: 'Travis Ritchie' <travis.ritchie@sierraclub.org>
Cc: brad purdy <bmpurdy@hotmail.com>; Katherine McDowell <Katherine@mcd-law.com>; Matthew McVee <matthew.mcvee@pacificorp.com>; Cameron-Rulkowski, Jennifer (UTC) <JCameron@utc.wa.gov>; Casey, Chris (UTC) <ccasey@utc.wa.gov>; Oshie, Patrick (UTC) <poshie@utc.wa.gov>; ffitc, Simon (ATG) <SimonF@ATG.WA.GOV>; Gafken, Lisa (ATG) <LisaW4@ATG.WA.GOV>; Jesse E. Cowell <jec@dvclaw.com>; Alexa Zimbalist <alexa.zimbalist@sierraclub.org>; Gloria Smith <Gloria.smith@sierraclub.org>; Joni Bosh <joni@nwenergy.org>; Wendy Gerlitz <wendy@nwenergy.org>
Subject: RE: Discovery in UE-152253

Mr. Ritchie,

In general, any request for clarification of a Commission order must be filed in writing or made orally at a Commission proceeding. The main reasons for this stem from the need for an open and transparent process (e.g., emails do not become part of the case file, while motions do), as well as the necessity for other parties to have the ability to comment on the clarification request.

As the supplementation of the selective catalytic reduction is being addressed on an efficient schedule, I will endeavor to point you to the clarification you requested. If the parties also wish to weigh in or Sierra Club has additional procedural issues, those should be handled by formal filing with the Commission.

Paragraph 5 of Order 09 provides, "Data requests to **Staff** regarding its supplemental testimony and exhibits are due by 5 p.m. on Monday, May 9, 2016; Staff shall respond to these data requests by noon on Thursday, May 12, 2016. Data requests to the **Company or any party** filing cross-answering testimony and exhibits, are due by 5 p.m. on Monday, May 16, 2016; responses to these data requests are due by noon on Thursday, May 19, 2016."

Emphasis added.

I will provide the Commission's Record Center with a copy of this email for the case file.

Marguerite E. Friedlander
Administrative Law Judge
Washington Utilities and Transportation Commission

From: Travis Ritchie [<mailto:travis.ritchie@sierraclub.org>]
Sent: Monday, May 9, 2016 2:46 PM
To: Friedlander, Marguerite (UTC) <mfriedla@utc.wa.gov>
Cc: brad purdy <bmpurdy@hotmail.com>; Katherine McDowell <Katherine@mcd-law.com>; Matthew McVee <matthew.mcvee@pacificorp.com>; Cameron-Rulkowski, Jennifer (UTC) <jcameron@utc.wa.gov>; Casey, Chris (UTC) <ccasey@utc.wa.gov>; Oshie, Patrick (UTC) <poshie@utc.wa.gov>; ffitc, Simon (ATG) <SimonF@ATG.WA.GOV>; Gafken, Lisa (ATG) <LisaW4@ATG.WA.GOV>; Jesse E. Cowell <jec@dvclaw.com>; Alexa Zimbalist <alexa.zimbalist@sierraclub.org>; Gloria Smith <Gloria.smith@sierraclub.org>; Joni Bosh <joni@nwenergy.org>; Wendy Gerlitz <wendy@nwenergy.org>
Subject: Discovery in UE-152253

Judge Friedlander,

Sierra Club requests your assistance in clarifying your order regarding ongoing discovery in UE-152253. On May 5, Sierra Club sent a set of discovery requests to PacifiCorp related to the Bridger Coal mine and the Company's workbook's that address the cost of coal at the Bridger Coal mine. Sierra Club believes that our discovery requests at this time fall within the extended discovery that you ordered in this proceeding in Paragraph 5 of Order 09. The questions asked in discovery are directly related to the calculation of coal costs at the Bridger mine, which is within the scope of Staff's supplemental testimony, and in fact Sierra Club issued the requests following a discussion with Staff where Sierra Club realized its understanding of the Company's information underlying Staff's supplemental testimony was incomplete. As such, we believe the data requests are appropriate and must be answered by PacifiCorp within five business days, which is May 12. That will allow Sierra Club time to incorporate those responses in our own supplemental cross answer testimony, due May 13.

PacifiCorp has taken the position that Sierra Club's data requests at this time are inappropriate because it believes that the discovery period has closed. PacifiCorp asserts that Order 09 provides only that parties may submit discovery requests to Staff at this time, and that Sierra Club may issue discovery to PacifiCorp only after the Company files its responsive testimony on May 13. Sierra Club disagrees with PacifiCorp's interpretation of your order. I have discussed this matter with PacifiCorp's counsel, and we were unable to reach agreement. Sierra Club therefore requests your assistance in clarifying whether Sierra Club's May 5 discovery request is proper and whether PacifiCorp must respond by May 12.

Thank you for your assistance in this matter.

Travis Ritchie

* Please note new address.



Travis Ritchie
Staff Attorney

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