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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

2 -----)
3 WASHINGTON UTILITIES AND)
4 TRANSPORTATION COMMISSION,) DOCKET NO. UE-960299
5)
6 Complainant,) VOLUME 1
7) Pages 1 - 49
8 vs.)
9)
10 PUGET SOUND POWER & LIGHT)
11 COMPANY,)
12 Respondent.)
13 -----)
14)

15 A pre-hearing conference in the above
16 matter was held on April 24, 1996 at 1:35 p.m. at
17 1300 South Evergreen Park Drive Southwest before
18 Administrative Law Judges MARJORIE SCHAER and JOHN
19 PRUSIA.

20 The parties were present as follows:

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

24 WASHINGTON UTILITIES AND TRANSPORTATION
25 COMMISSION STAFF, by SALLY G. JOHNSTON, Assistant
26 Attorney General, 1400 South Evergreen Park Drive
27 Southwest, Olympia, Washington 98504.

28 FOR THE PUBLIC, ROBERT F. MANIFOLD (via
29 telephone), Assistant Attorney General, 900 Fourth
30 Avenue, Suite 2000, Seattle, Washington 98164.

31 ICNU, by DAVID J. W. HACKETT, Attorney at
32 Law, 4400 Two Union Square, 601 Union Street, Seattle,
33 Washington 98101.

34 Cheryl Macdonald, CSR
35 Court Reporter

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APPEARANCES (Cont.)

ENRON POWER MARKETING, INC., by CRAIG GANNETT, Attorney at Law, 1501 Fourth Avenue, Suite 2600, Seattle, Washington 98101.

ARTHUR WEST and WASHINGTON ALLIANCE OF TAXPAYERS FOR SUSTAINABLE ECONOMY, by ARTHUR WEST, Pro Se, 303 Bethel Street Northeast, Olympia, Washington 98506.

KING COUNTY, by TERESE RICHMOND, Senior Deputy Prosecuting Attorney, 701 Fifth Avenue, Seattle, Washington 98104.

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WITNESSES: D C RD RC
(No witnesses.)

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EXHIBITS: MARKED ADMITTED

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1 P R O C E E D I N G S

2 JUDGE SCHAER: This hearing will come to
3 order. This is a hearing in docket No. UE-960299
4 which is a filing by Puget Sound Power and Light
5 Company seeking approval of a special contract to
6 provide electric service to Intel Corporation. This
7 is a pre-hearing conference that was set by an
8 expedited notice of pre-hearing conference dated April
9 15, 1996. It's taking place on April 24, 1996 at
10 Olympia, Washington. The hearing is being held before
11 administrative law judges Marjorie R. Schaer and John
12 Prusia.

13 We had some discussion off the record. I
14 indicated we would take appearances first. We will
15 take motions and petitions to intervene. Then we will
16 go off the record to discuss discovery and other
17 issues. Let's begin with appearances starting with
18 the appearance of the company, please.

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

23 JUDGE SCHAER: For the Commission staff,
24 please.

25 MS. JOHNSTON: Sally G. Johnston, assistant

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1 attorney general. My address is 1400 South Evergreen
2 Park Drive Southwest, Olympia, Washington 98504.

3 Appearing on behalf of Commission staff.

4 JUDGE SCHAER: For public counsel, please.

5 MR. MANIFOLD: Appearing on behalf of
6 public counsel, Robert F. Manifold, assistant attorney
7 general. My address is 900 Fourth Avenue, Suite 2000,
8 Seattle, Washington 98164.

9 JUDGE SCHAER: Thank you. And then
10 intervenors, the petitions that I have requesting to
11 intervene, starting with Mr. West.

12 MR. WEST: My name is Arthur West. I live
13 at 303 Bethel Street Northeast, Olympia. I'm a
14 ratepayer.

15 JUDGE SCHAER: That's Olympia, Washington.
16 What's your zip code?

17 THE WITNESS: 98506.

18 JUDGE SCHAER: Mr. Manifold, were you able
19 to hear that?

20 MR. MANIFOLD: No, I wasn't.

21 JUDGE SCHAER: I'm going to ask you to pull
22 that microphone forward and speak directly into it, if
23 you would please.

24 MR. WEST: Sorry about that. My name is
25 Arthur West. I live at 303 Bethel Street Northeast,

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1 Olympia 98506. I'm seeking to intervene in this
2 proceeding as a ratepayer.

3 JUDGE SCHAER: Thank you. And then we have
4 Mr. Hackett, please.

5 MR. HACKETT: Yes. My name is David
6 Hackett. I am representing the Industrial Customers
7 of Northwest Utilities. My address is 4400 Two Union
8 Square, 601 Union Street, Seattle, Washington 98101.

9 JUDGE SCHAER: Mr. Gannett.

10 MR. GANNETT: My name is Craig Gannett.
11 I'm with the law firm of Davis Wright Tremaine. My
12 address is 1501 Fourth Avenue, Seattle, Washington
13 98101, and I'm here representing Enron Power
14 Marketing, Inc.

15 JUDGE SCHAER: And Ms. Richmond, perhaps it
16 would be well to have you make an appearance at this
17 time.

18 MS. RICHMOND: My name is Terese Richmond.
19 I'm with -- I'm senior prosecuting attorney for King
20 County. My address is 701 Fifth Avenue, Seattle,
21 Washington 98104.

22 JUDGE SCHAER: Thank you. As the first
23 order of business we are going to take petitions and
24 motions to intervene, and first we would like to ask
25 the parties who have made written petitions whether

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1 you have distributed copies to each of the other
2 parties in the hearing room. Mr. West, did you --

3 MR. WEST: I haven't distributed copies to
4 all of the parties here today. However, there were 19
5 copies submitted, I believe, on the 4th for
6 distribution.

7 JUDGE SCHAER: Is there any party who
8 doesn't have a copy of Mr. West's petition who needs
9 to get one?

10 MR. GANNETT: (Nodding.)

11 JUDGE SCHAER: Perhaps you could arrange
12 to get one after the hearing from the record center.

13 MR. WEST: I'm sorry I wasn't aware I was
14 to bring more than the 19 copies provided. I would be
15 happy to meet with anyone after the meeting and
16 arrange to have more provided.

17 JUDGE SCHAER: Have the others who brought
18 their petitions with them today provided copies to all
19 parties?

20 MR. HACKETT: I believe so.

21 MR. GANNETT: Yes, Your Honor.

22 JUDGE SCHAER: Thank you.

23 MR. MANIFOLD: This is Rob Manifold. Could
24 I request that those who have written petitions mail
25 me a copy, please, after today?

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1 JUDGE SCHAER: Mr. Hackett and Mr. Gannett,
2 could you agree to mail copies of your petitions to
3 Mr. Manifold?

4 MR. GANNETT: Yes, Your Honor.

5 MR. HACKETT: Yes, Your Honor.

6 JUDGE SCHAER: Thank you.

7 MR. MANIFOLD: Thank you.

8 JUDGE SCHAER: Mr. West, you have filed a
9 petition. Do you have anything that you want to add
10 orally at this time to your petition?

11 MR. WEST: I believe the petition speaks
12 for itself. As the magistrate might note, there's
13 been some difficulty in even getting a copy of this
14 contract. There's some work papers that were
15 submitted with this contract that were not -- have not
16 yet been provided even though the counsel went to
17 court and said they were supposed to be provided. I
18 hoped that they could be provided.

19 I'm also concerned about the public access
20 to the facts and records of this case especially since
21 there appears to have been some confidentiality
22 protection order issued without notice to myself or
23 the other potential intervenors last week in this, so
24 that would be one extra issue. And I believe 16 USC
25 allows for intervention for affected ratepayers and I

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1 would be asking for that to happen.

2 JUDGE SCHAER: Again, I'm going to ask you
3 to pull that microphone right up in front of you
4 because we're going to be conversing for a few minutes
5 here.

6 MR. WEST: To repeat my last statement --

7 MR. MANIFOLD: I was able to hear that.

8 JUDGE SCHAER: Thank you. Has someone
9 else come on the line?

10 UNIDENTIFIED VOICE: Yes, Marjorie. I'm on
11 the line. This is Jeffrey in the policy office.

12 JUDGE SCHAER: I have a couple of questions
13 regarding your petition, and these are included in
14 the Commission's form for intervention which is
15 referenced in WAC 480-09-430(1)(b), and first I want
16 to ask, have you reviewed WAC or Washington
17 Administrative Code section 480-09-430 which is the
18 Commission rule on intervention?

19 MR. WEST: I've read the federal laws
20 concerning intervention and I've also read a number of
21 the Commission's rules which are somewhat inconsistent
22 with the federal law. Yes.

23 JUDGE SCHAER: So you have read the
24 Commission's rule on intervention?

25 MR. WEST: Yeah.

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1 JUDGE SCHAER: All right. And who are you
2 representing here today?

3 MR. WEST: I am representing myself as a
4 ratepayer, an affected ratepayer. I contract with
5 Puget Power to provide electricity service for my
6 house.

7 JUDGE SCHAER: So you're appearing as an
8 individual ratepayer?

9 MR. WEST: I'm also a member of Washington
10 Alliance of Taxpayers for Sustainable Economy. That's
11 a nonprofit organization with articles of
12 incorporation on file with the secretary of state's
13 office.

14 JUDGE SCHAER: Are you representing that
15 organization as well as yourself here today?

16 MR. WEST: I believe so. If that's
17 possible under the rules of the Commission.

18 JUDGE SCHAER: Under our rule if you're
19 representing someone other than yourself then I need
20 to ask you to state the number of members in the
21 organization.

22 MR. WEST: Well, there are two people on
23 the board of directors. There's I believe somewhere
24 between 12 and 20 official members of our
25 organization.

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1 JUDGE SCHAER: Would you state the name of
2 the person authorized to represent the organization?

3 MR. WEST: I'm the designated agent of the
4 organization. I will be happy to file a statement
5 from both of the directors of the organization
6 authorizing myself to represent that organization
7 before this administrative tribunal.

8 JUDGE SCHAER: Could you state the purpose
9 of the organization, please.

10 MR. WEST: Well, we have a rather broad
11 purpose. Mainly our purpose is to in a number of ways
12 support sustainable economic development in the state
13 of Washington, and promote and seek information and
14 distribute that and basically exercise our civil
15 rights in all ways lawfully possible to educate the
16 public and seek and disseminate information concerning
17 development in industry in the state of Washington,
18 to promote sustainable economic development in a fair
19 and reasonable manner.

20 JUDGE SCHAER: And I believe that I heard
21 you say that you are a residential customer of Puget;
22 is that correct?

23 MR. WEST: Yes.

24 JUDGE SCHAER: What UTC cases, if any, have
25 you participated in in the last two years?

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1 MR. WEST: I haven't participated in any
2 UTC cases before this administrative tribunal ever
3 before. However, I am involved in two other cases
4 involving nondisclosure of public records with the
5 UTC. I believe they're in the Superior Court at this
6 time.

7 JUDGE SCHAER: And what is your interest in
8 this proceeding?

9 MR. WEST: Well, my interest in this
10 proceeding is that unfair rates are not assessed and
11 that public disclosure is had of all these contracts.
12 This proceeding itself wasn't entirely open and the
13 contract itself was secret prior to my filing a public
14 records request for it, going to court. The actual
15 contract that is seeking to be approved here was not
16 being disclosed to the public. Just like a number of
17 other contracts that have been approved by the
18 Washington Utilities and Transportation Commission are
19 still secret to this day. There are I believe five
20 to half a dozen other contracts which have not yet
21 been disclosed involving, oh, ARCO and Puget Power;
22 involving Cascade Natural Gas and Longview Fiber;
23 involving Cascade Natural Gas and Lamb Weston, Inc.
24 These contracts are -- although the law requires these
25 contracts to be made public and available they have

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1 not yet been done so. That's one of my interests, to
2 see that all legitimate public records in this
3 proceeding are legitimately opened to the public.

4 JUDGE SCHAER: What issues are you planning
5 to raise in this proceeding?

6 MR. WEST: Well, the one issue that I don't
7 think has been addressed in the notice of pre-hearing
8 conference or in the motion to intervene -- there are
9 a number of issues in that and I would let that speak
10 for itself -- is the Washington constitutional
11 restriction on foreign corporations not being given
12 preferential treatment over local corporations. I
13 don't think that's been raised yet.

14 JUDGE SCHAER: Do you intend to submit
15 written testimony?

16 MR. WEST: At this point I don't intend to
17 broaden the issues necessarily any more so than are in
18 the -- that are already before them, the tribunal, or
19 are in the petition to intervene, so, no, I don't
20 believe I will be submitting written testimony.

21 JUDGE SCHAER: Do you intend to call any
22 other witnesses to testify?

23 MR. WEST: No.

24 JUDGE SCHAER: Do you intend to
25 cross-examine witnesses called by other parties?

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1 MR. WEST: I would like to reserve that
2 right, yes.

3 JUDGE SCHAER: Do you intend to submit
4 written arguments or motions?

5 MR. WEST: I had hoped to be able to submit
6 a brief memorandum.

7 JUDGE SCHAER: Mr. West, have you had any
8 discussions with Robert Manifold who is acting as
9 public counsel in this proceeding?

10 MR. WEST: I've attempted to call Mr.
11 Manifold. I haven't personally discussed this case
12 with him, no.

13 JUDGE SCHAER: Is there any objection to
14 the participation of Arthur West?

15 MS. JOHNSTON: Your Honor, I oppose Mr.
16 West's intervention. I think that his interests are
17 none other than those of a ratepayer. In fact, his
18 petition for intervention specifically states that his
19 interest is that of a ratepayer. At paragraph 1 you
20 will see the petition says, "This is a petition for
21 intervention by Puget Power ratepayer," and again in
22 paragraph 9 of his intervention, "This petitioner is
23 a ratepayer." I think ratepayer interests are
24 adequately represented by public counsel.

25 One other thing I might add is that to

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1 support his claim that he's entitled to intervention
2 as a right he cites 16 USC 1361. 1361 is the Marine
3 Mammal Protection Act and so that is unavailing to
4 him. I think the correct citation would be 16 USC
5 2631.

6 MR. WEST: I apologize for the
7 typographical error. I would like to object that
8 these objections --

9 JUDGE SCHAEER: Mr. West, excuse me, but you
10 are out of order right now. This is the time for Ms.
11 Johnston to make her argument. You will have a time
12 for a brief response.

13 MR. WEST: Thank you.

14 JUDGE SCHAEER: Please proceed.

15 MS. JOHNSTON: Thank you. I would just
16 invite your attention to the case of Jorgenson Company
17 vs. Seattle. That can be found in 99 Wa. 2d 861.
18 It's a 1983 case, and there the Supreme Court
19 specifically interpreted this particular federal
20 provision and concluded that intervention as a right
21 is not mandated for the likes of Mr. West in this sort
22 of administrative proceeding where the specific
23 federal standards are not at issue. So with that I
24 would just reiterate that I oppose Mr. West's
25 intervention in this case.

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1 JUDGE SCHAER: Does any other party object?

2 MR. VAN NOSTRAND: Yes, Your Honor. The
3 company would also oppose the intervention of Mr. West
4 for the same reasons as given by Ms. Johnston, and in
5 addition the interests which I have heard raised by
6 Mr. West regarding the public disclosure of the
7 contract is really not at issue in this proceeding
8 inasmuch as the contract is now a public document.
9 If that's the extent of his interest in this
10 proceeding it's not really an issue and it certainly
11 isn't something that would give him a substantial
12 interest in the outcome, which I believe is the
13 standard required under the Commission's intervention
14 rules.

15 As far as the stated interest as a
16 ratepayer, which is the only interest stated in his
17 petition, as a residential ratepayer I think his
18 interests are adequately represented by Mr. Manifold,
19 and in the interests of not duplicating those efforts,
20 I believe intervention is not warranted.

21 MR. MANIFOLD: I would like to be heard on
22 this motion when it's my turn.

23 JUDGE SCHAER: I believe you can go ahead
24 now, sir.

25 MR. MANIFOLD: It's my position that the

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1 existence of public counsel does not and should not
2 act as a barrier to direct intervention by members of
3 the public whose interests would otherwise be
4 represented by public counsel. I appreciate the vote
5 of confidence from other parties, but it is difficult
6 to represent each and every interest in the public as
7 one participant, and we do that the best we can.
8 However, I think that where there are individual
9 members or organizations in the public who wish to
10 intervene and pursue their interests in particular, I
11 think that that in general is a good idea and should
12 be subject to the discretion of the Commission as to
13 whether or not it is -- works well in particular
14 circumstances.

15 It is also our pleasure and duty to work
16 with members of the public who have an interest in
17 proceedings, and unfortunately, due to other case
18 matters I haven't been able to connect with Mr. West
19 yet. I would be -- if he wishes I would be happy to
20 work with him whether or not he's an intervenor in the
21 case to (inaudible) having his views presented. That
22 may or may not be adequate for his purposes since I
23 will also be representing the views of a lot of other
24 people who may not exactly coincide with his, but I
25 will certainly make that offer to him, and, depending

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1 upon whether or not he is an intervenor, work with him
2 in either manner should he wish to avail himself of
3 that.

4 JUDGE SCHAER: Is there any other party who
5 objects or has any other comment on this motion to
6 intervene?

7 Then, Mr. West, this is your opportunity
8 for a brief response.

9 MR. WEST: I would like to object to the
10 objections that were voiced by counsel for the UTC and
11 counsel for Puget Power. I filed my petition to
12 intervene over 20 days ago. I made 19 copies of it,
13 provided everybody with notice quite some time ago. I
14 believe that these objections being raised at this
15 hearing are untimely and I have not had time to
16 adequately investigate these and prepare a response to
17 these. If the Commission is going to entertain these
18 objections at this late time without them having
19 been written down and submitted to me beforehand, I
20 would hope that they would postpone any formal ruling,
21 at least any ruling denying intervention, to some
22 later time that I can review the cases that have been
23 cited by counsel and make a proper response to these
24 arguments that I've just today been presented with.

25 MS. JOHNSTON: Your Honor, may I say

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1 something?

2 JUDGE SCHAER: Briefly.

3 MS. JOHNSTON: I would just like to direct
4 Mr. West's attention to the Commission's regulation
5 pertaining to intervention. It's WAC 480-09-430, and
6 I personally handed you a copy of that at the March 27
7 open meeting of the Commission. I would specifically
8 invite you to take a look at subsection 3. Thank you.

9 JUDGE SCHAER: Well, Mr. West, I am going
10 to deny your petition to intervene in this proceeding.
11 The Commission generally will not allow a person to
12 intervene in a proceeding when the person does not
13 have a substantial interest in the proceeding and has
14 not shown that his participation would be in the
15 public interest. I have reviewed your petition and I
16 have also asked questions here of you today regarding
17 what issues and what interests that you would bring to
18 this proceeding. I believe that the question of
19 whether or not the contract in consideration in this
20 case should be made public has been resolved and has
21 been resolved in your favor by that contract being
22 made public and that that's no longer an issue before
23 us.

24 I believe that as an individual ratepayer
25 of Puget Power that you do have opportunity to work

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1 with public counsel and that we have a good faith
2 indication by Mr. Manifold that it would be his
3 pleasure and duty to work with you on making sure that
4 the issues that concern you are addressed in this
5 proceeding, and so I am not going to allow you to have
6 individual party status, but ask you as an individual
7 residential ratepayer to work with public counsel in
8 getting your concerns expressed.

9 MR. WEST: Well, thank you very much for
10 that ruling. I would like to respectfully object to
11 that ruling on the basis that I believe it's violative
12 of my constitutional rights. I would like to point
13 out that I'm already suing the Commission personally
14 and its attorney for defaming me and violating my
15 constitutional rights. I would also like to express
16 my frustration at the fact that due to what I believe
17 is an erroneous administrative ruling, parties and
18 counsel to this proceeding will all have to go to the
19 Superior Court to hash this thing out because I do not
20 believe justice has been done by this ruling. I
21 believe that this contract represents a corrupt, a
22 politically corrupt, contract which is attempting to
23 be fostered off on the public of the state of
24 Washington without proper notice and without proper
25 procedures. Thank you very much for your time.

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1 JUDGE SCHAER: Your concerns will be noted
2 in the record. A pre-hearing conference order will
3 issue and a copy will be served on you. At the end of
4 that order will be instructions telling you how you
5 can appeal my ruling to the commissioners if you
6 choose to do so, and you certainly do have all of the
7 options available to you as a citizen to appeal this
8 decision if it is not to your liking, but that is my
9 ruling for today, sir.

10 MR. WEST: Thank you very much.

11 MR. MANIFOLD: Your Honor, I have a
12 question.

13 JUDGE SCHAER: Yes, Mr. Manifold.

14 MR. MANIFOLD: One of Mr. West's interests
15 in terms of what the nature of the participation he
16 wished to have in the case was to -- the one he seemed
17 the clearest on was to submit a brief on the issues
18 in the case. I wonder if it would be possible to
19 determine at this point that if he so wishes he could
20 file a brief by way of Amicus brief in the same timing
21 that other briefs would be submitted in this case.

22 JUDGE SCHAER: Mr. Manifold, I am going to
23 let Mr. West consult with you on what would be
24 available there. I will say now that if you and he
25 determine that he should file an Amicus brief I will

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1 allow it to accompany your brief in this matter, and I
2 will allow it to be filed without taking away from the
3 number of pages that you are allowed to use in your
4 own briefing.

5 MR. MANIFOLD: Okay, thank you.

6 JUDGE SCHAER: But I am going to ask you to
7 coordinate that.

8 MR. MANIFOLD: Thanks.

9 MR. WEST: And I politely object to that
10 ruling, too.

11 JUDGE SCHAER: Just so I'm clear, are you
12 objecting to my allowing you to file an Amicus brief
13 or what is it that you're objecting to?

14 MR. WEST: I'm objecting to the limitation
15 upon -- of the denial of the right to file an Amicus
16 brief without the stamp of approval of the attorney
17 general, although I thank Mr. Manifold for making the
18 offer.

19 MR. MANIFOLD: A little more into the
20 microphone.

21 MR. WEST: I am objecting to the ruling of
22 the Commission that denies me the right to file an
23 Amicus brief without the approval of the attorney
24 general's office, but I thank Mr. Manifold for asking
25 for that.

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1 JUDGE SCHAER: Thank you, Mr. West. I
2 believe that the next petition in order is the
3 petition by Mr. Hackett, and Mr. Hackett, it appears
4 looking at your petition that you have followed the
5 form that the Commission provides in its intervention
6 rules. You have covered most of those areas, but let
7 me ask you if there's anything that you would like to
8 add to your petition at this point.

9 MR. HACKETT: Yes. I am not sure that it
10 is clear in paragraph 5, but an additional interest of
11 ICNU is the conditions under which special contracts
12 are available to similarly situated users to both
13 insure that there is no discrimination among users,
14 and also as industrial customers of Puget Power many
15 of ICNU's members either are subject to similar
16 contracts at present or would also be interested in
17 that option in the appropriate case.

18 MR. MANIFOLD: I have a question at the
19 appropriate time.

20 JUDGE SCHAER: All right. Well, let me ask
21 a couple of questions and then I will ask if anyone
22 objects and then I will ask if there's anyone who
23 wishes to comment, Mr. Manifold. I indicated to you
24 when you distributed this that I would be asking you
25 who your members are that are Puget Power customers.

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1 Can you indicate that at this time?

2 MR. HACKETT: I regret that I don't have
3 the list of ICNU's members, and I would be hesitant to
4 basically go from memory as to which of those members
5 are customers of Puget, but I would be happy to mail
6 you a copy of that list immediately following this
7 hearing.

8 JUDGE SCHAER: You say you would mail a
9 copy. Are you talking about a list of all of your
10 members or just a list of the members that are Puget
11 Power customers?

12 MR. HACKETT: Either one would be -- it
13 would be your option.

14 JUDGE SCHAER: What I want to be able to do
15 is identify who Puget Power customers are, so if
16 you're going to send the entire list I would ask that
17 those be identified in some manner.

18 MR. HACKETT: Yes. Yes, that would be so
19 identified.

20 JUDGE SCHAER: Does any party object to the
21 intervention of the Industrial Customers of Northwest
22 Utilities?

23 MR. MANIFOLD: This is Robert Manifold, and
24 I do not object to their intervention. I would like
25 Mr. Hackett to indicate upon whom service can be

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1 effectuated in the hopefully unlikely event that
2 appellate review is necessary from the Commission's
3 action, since serving an association is often quite
4 difficult, and I presume he would not want to burden
5 us or his members by having all of the members served.

6 MR. HACKETT: Certainly not. We will be
7 sending Mr. Manifold a copy of our petition to
8 intervene which has the address of ICNU and its agent.

9 MR. MANIFOLD: Thank you very much.

10 JUDGE SCHAEER: Does any party object to the
11 intervention of ICNU?

12 MR. VAN NOSTRAND: No, Your Honor.

13 JUDGE SCHAEER: Hearing no objection that
14 intervention will be granted.

15 The next petition I have is that filed by
16 Mr. Gannett on behalf of Enron Power Marketing. And
17 again, it appears looking at your written petition
18 that you have to some extent outlined the information
19 required in the Commission rules. Is there anything
20 you would like to add to your petition at this point?

21 MR. GANNETT: No, Your Honor, other than to
22 reiterate that Enron expects to be providing service
23 to retail customers in Washington state in the near
24 future, and as a result expects to be affected by the
25 outcome of this case in terms of the Commission's

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1 approach to approving contracts for service because
2 Enron intends to offer such service also by contract,
3 so this Commission's decisions in this case -- which I
4 understand to be the first case of its kind relating
5 to -- relating to special contracts -- will have
6 effects on Enron's future dealings in the state.

7 JUDGE SCHAER: And does Enron have any
8 business relationship with Puget at this time?

9 MR. GANNETT: I'm not sure. I expect that
10 there may well be. I know that Enron has contracts
11 with PUD's in the state and with I think at least some
12 IOUs and it also has contracts with DSIs, so it does
13 do business in the state by contract. I'm not sure
14 whether they do business -- whether they sell or buy
15 power from Puget.

16 JUDGE SCHAER: Is there any objection to
17 the intervention by Enron in this proceeding?

18 MS. JOHNSTON: I have one. I don't know
19 how Enron can get around the Cole case. I think that
20 Enron represents nothing more than unregulated future
21 competitors of Puget. As the notice of hearing
22 indicates in this case, this proceeding is very
23 specific. It involves the proposed special contract
24 between Puget and Intel. I don't think Enron has any
25 interest or any business being in this case.

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1 JUDGE SCHAER: Is there any other party who
2 objects to the --

3 MR. VAN NOSTRAND: Yes, Your Honor. The
4 company also objects to intervention. In addition to
5 the reasons cited by Ms. Johnston, I think it's
6 interesting to note that this case is being described
7 as the first of its kind relating to special
8 contracts. There have been a number of special
9 contracts. This is a case limited to one contract
10 between Puget and Intel. The interests of Enron is
11 not that of a customer. They have no customer
12 relationship with Puget. If anything they are that of
13 a direct competitor and any interest they have in this
14 proceeding is purely speculative. It assumes a
15 playing field that has not yet been allowed to exist
16 in this state, and it also assumes that if competition
17 is allowed to occur that Enron would be subject to the
18 same precedent regarding special contracts that Puget
19 is subject to. I think merely because one may be
20 affected by the precedent setting of a proceeding does
21 not grant a substantial interest in the outcome of a
22 proceeding that would warrant intervention, so for
23 those reasons, in addition to the ones raised by Ms.
24 Johnston, the company joins in opposing the
25 intervention.

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1 JUDGE SCHAER: Any other party wish to
2 comment?.

3 MR. MANIFOLD: I would like to comment. I
4 do not object to the petition nor do I necessarily
5 support it. I was present at the Commission Wednesday
6 morning meeting when this matter was suspended, and
7 one of the commissioners, Commissioner Gillis, I
8 believe, commented that in a certain way he was glad
9 for Puget's filing this contract in order to tee up
10 the issues involved regarding retail wheeling. I do
11 not know if those issues are going to be subsumed in
12 this filing or not, nor do I take a position on
13 whether they should or not, but it seems to me the
14 relevance of Enron's petition depends in part on how
15 (inaudible) ordinarily the issues are going to be
16 defined in this case, a matter which has not yet to my
17 knowledge been resolved.

18 JUDGE SCHAER: Any brief response, Mr.
19 Gannett?

20 MR. GANNETT: Yes. Two points. First I
21 agree with Mr. Manifold that the exact scope of this
22 case is as yet undetermined, and that is precisely why
23 Enron seeks to intervene because this may be about a
24 single case, a single contract with no other
25 implications, but in all likelihood what the

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1 Commission does here will affect its approach to
2 future contracts, and we know that the electric
3 utility industry is changing very quickly. Enron
4 expects to take advantage of those changes and provide
5 retail service in Washington state in the near future,
6 and therefore it is not speculative that this will
7 affect Enron's interests.

8 And by the way, I think one way we know
9 that it's not speculative is that the Commission --
10 excuse me -- is that the company sought to protect its
11 contract under a confidentiality -- under
12 confidentiality, and the reason it states in its March
13 15 letter to Mr. McLelland is that in addition the
14 company would be placed at a competitive disadvantage
15 if other electric suppliers who could potentially
16 compete for the company's load had access to the
17 pricing information included in the agreement and this
18 filing. Well, I assume that they're talking about us,
19 and they don't -- if they thought it was entirely
20 speculative that we would be providing service to
21 retail customers in Washington state, I don't think
22 there would have been any reason for them to seek
23 confidentiality.

24 Finally, I think that an indication of the
25 potential scope of this case is reflected in the

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1 staff's memo which was provided to -- presented to the
2 Commission in which the staff says, "Staff believes
3 that the hearing process will enable the parties to
4 examine the question of how an electric utility will
5 offer unbundled retail wheeling services and determine
6 whether these services should be available only in the
7 context of a special contract." Well, unbundled
8 retail wheeling services is of direct interest to
9 those who would provide power to retail customers in
10 Washington state and who may well be purchasers of
11 those unbundled retail wheeling services, so although
12 it's true that today Enron is not affected by this
13 contract, we are not -- the time frame is soon, and it
14 would be a shame to exclude a party from this
15 proceeding and then have them be directly or
16 indirectly affected by it in a matter of months.

17 MR. VAN NOSTRAND: Your Honor, if I could
18 have a brief response.

19 JUDGE SCHAER: Just a brief.

20 MR. VAN NOSTRAND: Notwithstanding the
21 discussion that may have occurred at the Commission
22 session of two weeks ago, I believe the issues in this
23 proceeding are as set forth in the Commission's notice
24 of pre-hearing conference, and that is limited to the
25 special contract between Puget and Intel and no more.

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1 JUDGE SCHAER: I am going to deny your
2 motion -- your client's motion to intervene, Mr.
3 Gannett. I believe that Commission staff citation to
4 the Cole case is directly on point where the state
5 Supreme Court upheld the Commission in a determination
6 that the fact that a company was a competitor to -- I
7 believe it was even a Puget case -- did not give that
8 company standing to be an intervenor in a proceeding
9 before the Commission, and also I believe that the
10 reference just made to the notice of hearing is very
11 on point.

12 I will refer you to paragraph 2 of the
13 notice of hearing if you have it available to you
14 which reads as follows: "In this proceeding, the
15 Commission will be investigating whether or not it
16 should approve this contract under RCW 80.28.010 and
17 WAC 480-80-335. The Commission will not in this
18 proceeding consider more generic issues related to
19 electric industry restructuring and the services Puget
20 would offer in a competitive electric market." So I
21 think the Commission has already determined that this
22 is going to be the narrow proceeding rather than the
23 more generic proceeding as we go forward, and that the
24 issues should be limited just to consideration of this
25 contract.

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1 MR. GANNETT: Your Honor, may I briefly
2 respond?

3 JUDGE SCHAER: Certainly.

4 MR. GANNETT: First off, on the Cole case,
5 the Cole case was an oil company that was attempting
6 to intervene as to a gas company that was regulated by
7 the Commission and whether or not advertising could be
8 recovered through rates. There was no prospect of the
9 oil company, the intervenor, ever becoming regulated
10 by this Commission, so that case is entirely
11 distinctionable on that basis alone. Here we have
12 electricity -- electricity provider seeking to
13 intervene in an electricity case and it is not
14 speculative to suggest that one will be competing with
15 the other and subject to at least some of the same
16 rules.

17 Just yesterday I was down at the regional
18 review in which a Puget Power document was circulated
19 in which it says Puget Power supports consumer choice,
20 customer choice. Well, so Puget Power is saying that
21 the system is changing, that there will be alternative
22 providers, and these rules, although ostensibly
23 limited to this case, cannot help but touch on the
24 related matters of how service is going to be provided
25 by alternative providers, and so -- furthermore, there

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1 are two bases for intervention. One is substantial
2 interest, which I think we've shown amply, and the
3 other is if it's shown to be in the public interest,
4 and I think that in a proceeding like this where you
5 have a company that does business in this field
6 nationally and who would like to participate in this
7 case and provide the Commission with its insights and
8 views on how this can best be done and has no interest
9 in slowing this proceeding, burdening it or broadening
10 it, that it's in the public interest to allow such
11 intervention.

12 So, the Cole case doesn't require you to
13 exclude a party. The Cole case says it's in the
14 Commission's discretion, and I think that that
15 discretion in this case should be exercised in favor
16 of inclusion of a party that's likely to
17 constructively participate in this proceeding.

18 JUDGE SCHAEER: Well, that comment will be
19 noted in the record as well, and as I have explained
20 to a previous petitioner, I will be issuing
21 a pre-hearing conference order and it will give you
22 instructions on how you may appeal my ruling to the
23 Commission if you wish to do so, but my understanding
24 at this point is that this proceeding is supposed to
25 be limited to the narrow issues of this contract and

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1 that I believe there will be a more generic proceeding
2 where the issues you are discussing will be framed and
3 more broader participation will be invited, but I
4 don't believe that this particular proceeding to
5 determine whether or not a special contract is
6 consistent with the Commission's rules is the setting
7 for that, Mr. Gannett, and my ruling stands.

8 MR. GANNETT: Thank you, Your Honor.
9 Your Honor, one more comment, and then I will be
10 quiet. I read the order, the order setting
11 pre-hearing conference, and I understand that it says
12 the issue is whether this contract meets the standards
13 of fair, just and reasonable, and I accept that. We
14 don't intend to do otherwise, but those words are not
15 mechanically applied. Those words involve policy
16 judgments; fair, justice and reasonable are not
17 mathematical terms. And so even assuming that this
18 case is kept as narrow as the notice of pre-hearing
19 conference suggests, you cannot escape touching on
20 policy issues that will affect other parties other
21 than the company and other industrial companies, and I
22 really -- I think it's -- I would request that you
23 reconsider your decision because I think it flies in
24 the face of the realities of where this world is going
25 and the effects it's going to have on other folks who

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1 will not be represented here if your ruling is upheld
2 by the Commission.

3 JUDGE SCHAER: Thank you, Mr. Gannett.
4 Now that we've identified who the parties in this
5 proceeding will be, at least on the basis of my
6 rulings here today, I would like to confirm that these
7 -- that the individuals sitting here as counsel will
8 be the contact persons for your clients for
9 distributions on other matters.

10 MR. MANIFOLD: Your Honor, may I interrupt
11 for a moment?

12 It occurs to me that I should make the same
13 offer to Mr. Gannett that I made to Mr. West to, if
14 they choose and if the Commission rules, to facilitate
15 the introduction of Amicus brief if they want to do
16 that at the conclusion or at the end of the case, and
17 I guess I would ask again if I do that if that could
18 not be counted against my pages. My bandwagon is
19 getting larger, I know.

20 JUDGE SCHAER: I think that I will make the
21 same ruling here and allow Mr. Gannett to work with
22 you to see if there is something that you would like
23 to coordinate as far as any kind of Amicus list on
24 which he would like to share through you, Mr.
25 Manifold. If you do this again it's going to come out

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1 of your page limit.

2 MR. MANIFOLD: It is or it is not?

3 JUDGE SCHAEER: If you do this again it is.

4 MR. MANIFOLD: I won't make any more offers.

5 MR. VAN NOSTRAND: We can find some more
6 help.

7 MR. MANIFOLD: That was Mr. Van Nostrand's
8 comment, I presume.

9 MR. GANNETT: I appreciate Mr. Manifold's
10 offer.

11 JUDGE SCHAEER: So counsel that are here,
12 what I mean by a contact person for distributions is
13 that you are here today to distribute things to each
14 other, to the single contact person. I don't want to
15 have more than one official contact person per entity
16 so that documents cannot be distributed properly when
17 they are sent. So, Mr. Van Nostrand, are you the
18 contact person for Puget in this matter?

19 MR. VAN NOSTRAND: Yes, Your Honor.

20 JUDGE SCHAEER: That is also true for you?

21 MR. HACKETT: The official contact person
22 is Clyde H. MacIver.

23 JUDGE SCHAEER: So you would like Mr.
24 MacIver to be the contact person on everything?

25 MR. HACKETT: Yes, and his name is

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1 indicated on the petition.

2 JUDGE SCHAER: Let me stop and back up a
3 moment. MS. Richmond, I believe at the end of my
4 rulings on the other petitions to intervene you were
5 going to determine whether you wanted to move orally
6 to intervene in this matter. Have you made a decision
7 at this point?.

8 MS. RICHMIND: Were you going to have
9 any further discussion on the issues or is that the
10 extent?

11 JUDGE SCHAER: I believe that's the extent
12 of the discussion on the issues for today.

13 MS. RICHMOND: I think I will go ahead and
14 petition to intervene, and I believe the interests of
15 King County are closest to the interests of Mr.
16 Hackett's clients, and I have not talked with him, and
17 I will do so afterwards, and if it appears that they
18 will be raising the issues that are of concern to King
19 County as a major customer, major industrial customer,
20 I can withdraw my petition, but at this time I think
21 that I would like to petition to intervene -- or,
22 excuse me, I would withdraw as an intervenor, assuming
23 the petition was granted today, but at this time I
24 would like to petition to intervene.

25 JUDGE SCHAER: Would it be useful to you if

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1 we took a brief recess at this point and let you talk
2 with Mr. Hackett and then took this up after a recess
3 or are you ready to proceed?

4 MS. RICHMOND: Why don't we proceed.

5 JUDGE SCHAER: Do you have a copy of the
6 Commission's intervention rule with you?

7 MS. RICHMOND: Not with me. I filed a
8 petition in the merger case just on Monday so they are
9 somewhat in my mind.

10 JUDGE SCHAER: I can either go through the
11 questions with you orally as I did with Mr. West or if
12 you would like to take a moment to look at the rule
13 and go through those, those are the areas that I would
14 like to hear you address if you would, please.

15 MS. RICHMOND: Okay. I think that we can
16 just go through them one at a time.

17 JUDGE SCHAER: Certainly.

18 MS. RICHMOND: It might facilitate our
19 process if you went ahead and asked me the questions
20 and then I will go ahead and answer them one by one.

21 JUDGE SCHAER: Have you reviewed WAC
22 480-09-430, the Commission rule on intervention?

23 MS. RICHMOND: Yes.

24 JUDGE SCHAER: And who are you representing
25 here today?

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1 MS. RICHMOND: King County, Washington.

2 JUDGE SCHAER: What UTC cases has King
3 County participated in in the last two years?

4 MS. RICHMOND: It's intervened in three
5 cases in the last two years. I have those cited in my
6 petition to intervene in the merger matter, and I can
7 bring those to your attention either by fax -- of
8 course I don't know them offhand.

9 JUDGE SCHAER: What is your interest in
10 this proceeding?

11 MS. RICHMOND: King County is an industrial
12 customer, a major industrial customer of Puget. I am
13 -- my major client is the water pollution control
14 division that used to be the -- used to be formerly
15 Metro, and we run the sewage treatment plants. We are
16 -- our load is approximately eight to 15 megawatts,
17 and on a rainy day like yesterday it's closer to 15,
18 which is greater than Intel's load, and the electrical
19 rate is closely connected to the sewer rate that is
20 charged to the public, and there's a direct connection
21 there, a substantial and direct connection from our
22 electrical rate to our sewer ratepayer, the rate
23 charged our sewer ratepayers, and we're interested in
24 maintaining as low an electrical rate as possible so
25 that we can maintain low sewer rates.

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1 JUDGE SCHAER: And what issues are you
2 planning to raise in this proceeding?

3 MS. RICHMOND: They would be in two areas:
4 Question whether an alternative power supply -- power
5 sources are indeed available to Intel, the question
6 being would they really be pulling up stakes and
7 leaving Dupont if this special contract is not
8 granted; and then secondly, the discriminatory nature
9 of the contract, that King County is a long-term 30-
10 year Puget customer deserves the same treatment.
11 There's no reason that it shouldn't be granted the
12 same treatment as Intel is being offered.

13 JUDGE SCHAER: Do you intend to submit
14 written testimony?

15 MS. RICHMOND: Probably, yes.

16 JUDGE SCHAER: And if you had do you know
17 who?

18 MS. RICHMOND: It would probably be Bill
19 Burwell. He is the general manager of the east
20 division reclamation plant of King County.

21 JUDGE SCHAER: Do you intend to call any
22 other witnesses to testify?

23 MS. RICHMOND: Probably not, but I would
24 reserve that. I would say at this point no.

25 JUDGE SCHAER: Do you intend to

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1 cross-examine witnesses called by other parties?

2 MS. RICHMOND: Yes.

3 JUDGE SCHAER: Do you intend to submit
4 written arguments or motions?

5 MS. RICHMOND: Yes.

6 JUDGE SCHAER: Is there anything else you
7 would like to add?

8 MS. RICHMOND: No, not at this time.

9 JUDGE SCHAER: Is there any objection to
10 the participation of King County as an intervenor in
11 this matter?

12 MR. VAN NOSTRAND: No, Your Honor.

13 MS. JOHNSTON: None.

14 JUDGE SCHAER: Does any party wish to
15 comment on the petition for intervention by King
16 County?

17 Hearing no objection the motion to
18 intervene will be granted.

19 MS. RICHMOND: Thank you, Your Honor.

20 JUDGE SCHAER: I am going to suggest that
21 we go off the record at this time for a brief recess.
22 Let's be back on the record at 20 minutes to 3.

23 (Recess.)

24 JUDGE SCHAER: Let's be back on the record
25 after our afternoon recess. While we were on the

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1 recess a member of the public approached me and
2 indicated, I believe, that he might have some interest
3 in intervening in this matter, so I am going to ask at
4 this time if there's anyone else in the hearing room
5 that wishes to intervene and ask them to do so at this
6 time if there is.

7 FROM THE AUDIENCE: Does this pertain to me
8 or other people besides me?

9 JUDGE SCHAEER: That would be you, sir, or
10 anyone else, but this is your opportunity if you wish
11 to move to intervene to do so.

12 FROM THE AUDIENCE: After speaking with Ms.
13 Johnston during the recess, I will decline to
14 intervene at this time with the understanding that
15 there will be opportunity for public comment at a
16 public hearing.

17 JUDGE SCHAEER: Thank you. I have sent
18 around a list for parties to write down their name and
19 fax number so that the Commission will have your fax
20 numbers if we need to do something quickly in this
21 matter. Please provide those, and if your fax number
22 changes during the course of this proceeding, please
23 be sure you notify the Commission by letter with
24 copies to all of the other parties. Anyone who wants
25 a copy of this list may contact me and I will have

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1 copies made right after this hearing closes.

2 At this point in the hearing I would like
3 to have the company distribute prefiled materials and
4 I would like to have those materials identified for
5 the record. Have you provided copies of your
6 materials to all the parties?

7 MR. VAN NOSTRAND: Yes, Your Honor.

8 JUDGE SCHAEER: I have been provided copies
9 of five documents. I will pre-number as follows: As
10 Exhibit T-1 for identification I have KPO-1 which is
11 K. P. Owens testimony. As Exhibit 2 for
12 identification I have KPO-2 which is a contract with
13 Intel. As Exhibit KPO-3, which I will mark for
14 identification as Exhibit 3, I have an August 8, 1995
15 letter from Mike Lowry, governor, to Keith Thompson,
16 vice-president Oregon site manager of Intel
17 Corporation. As Exhibit T-4 for identification I have
18 testimony of J. A. Heidell. That's JAH-1. And as
19 Exhibit 5 for identification I have an exhibit which
20 is indicated as JAH-2, and has the heading two page
21 document with the heading Intel contract -- Intel
22 Special Contract Net Benefits. Are those all the
23 materials which you prefiled today, Mr. Van Nostrand?

24 (Marked Exhibts T-1, 2, 3, T-4 and 5.)

25 MR. VAN NOSTRAND: Yes, Your Honor.

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1 MR. MANIFOLD: Could I ask if the company
2 could provide a copy to Mr. Lazar or mail or deliver a
3 copy to me, please.

4 MR. VAN NOSTRAND: Yes. I've just given a
5 copy to Mr. Lazar and one will be mailed to you today.

6 MR. MANIFOLD: Thank you.

7 JUDGE SCHAEER: Next topics I would like to
8 take up are scheduling and discovery. And it's my
9 suggestion that we go off the record to discuss
10 scheduling and discovery and then come back on the
11 record once we have something to describe on the
12 record. As I told you earlier in this proceeding,
13 it's my intention to be sure that everyone has
14 the opportunity to put into the official record any
15 statements they need to make. By going off the record
16 what I want to do is work the bugs out and try to have
17 a free discussion and then go back on the record and
18 recite what we did while we were off the record. We
19 may need to go off the record in a couple of different
20 stages. Please be sure if there's something that you
21 feel is important to put on the record to preserve
22 your client's position that you indicate to me that
23 you need to do that when we're off on that section of
24 it, and let's go off the record for discussion.

25 (Discussion off the record.)

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1 JUDGE SCHAER: Let's be back on the record.
2 While we were off the record we had a brief discussion
3 of scheduling, and it was suggested by the Commission
4 staff that since they have just received the prefiled
5 testimony and exhibits and would like some time to
6 review that before they know whether or not -- not
7 whether or not but how long it will take them to
8 prepare for cross-examination that we continue this
9 pre-hearing conference until next Tuesday, which is a
10 date where another pre-hearing conference involving
11 Puget is already being held, and so I am going to
12 continue this pre-hearing conference to April 30, 1996
13 following the pre-hearing conference in docket No.
14 UE-960195. Going to announce a time for the continued
15 pre-hearing conference of 11:00 a.m. with the
16 understanding that this continuation will not be heard
17 until the other matter is completed.

18 The hearing will take place at the Board of
19 Industrial Insurance Appeals' main conference room.
20 It will be directly across the street. That address
21 is 2430 Chandler Court Southwest, Olympia, Washington.
22 This oral notice of hearing is the only notice of that
23 hearing which will issue. No separate notice of
24 hearing will issue. Parties and participants will be
25 encouraged to park in the Commission parking lots or

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1 on the street and walk across the street to the board,
2 as they are willing to loan us their rooms but not
3 their parking spaces.

4 Also in terms of discovery, there was a
5 request that the Commission discovery rule be
6 triggered, and I will grant that request and the
7 discovery methods available under WAC 480-09-480 will
8 be available to the parties in this proceeding. There
9 is a suggestion from the Commission staff that blocks
10 of data request numbers be assigned by party and I
11 have assigned those numbers as follows: No. 1 through
12 200 would go to Commission staff. Nos. 213 through
13 300 would go to public counsel. Nos. 301 to 400 would
14 go to Mr. Hackett's clients and Nos. 401 through 500
15 would go to King County.

16 We had a discussion about how the parties
17 were going to be able to obtain information from Intel
18 that they might need in this proceeding. It was noted
19 that there is no witness from Intel and that they have
20 not intervened as a party. Mr. Van Nostrand has been
21 asked and has agreed to contact Intel between now and
22 the continued session of this hearing next Tuesday and
23 to determine from them if they are willing to respond
24 to data requests and if they want those sent directly
25 or if they want those all channeled through Mr. Van

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1 Nostrand. He is going to find out if there is a
2 contact person at Intel whom the parties may contact
3 if they wish to try to set up informal discovery or
4 other kinds of -- make other kinds of inquiry, and he
5 is going to find out if there are a representative or
6 representatives of Intel who could be made available
7 for deposition so that the parties to this proceeding
8 could ask questions that they have about the matters
9 involved in this case.

10 Is there anything that we discussed off the
11 record that I had not reflected accurately on the
12 record? Ms. Johnston?

13 MS. JOHNSTON: No.

14 JUDGE SCHAEER: Mr. Van Nostrand?

15 MR. VAN NOSTRAND: No.

16 JUDGE SCHAEER: Mr. Manifold?

17 MR. MANIFOLD: No.

18 JUDGE SCHAEER: Anyone else?.

19 MS. RICHMOND: No.

20 MR. HACKETT: No.

21 JUDGE SCHAEER: Thank you. I would like to
22 announce to the parties that a protective order was
23 issued in this matter on April 18, 1996, and should
24 have been served on each of you, although if you
25 intervened today you may not have received a copy of

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1 that and you should check with the Commission's record
2 center before you leave today and obtain the copy of
3 the protective order. At the back of the protective
4 order there are forms that need to be signed by
5 counsel and forms that you need to have any expert
6 witnesses sign and that need to be filed and go
7 through a 10-day waiting period without objection
8 before you may show materials that are under
9 confidential seal to those expert witnesses, so it's a
10 good idea to get started on that process.

11 When you distribute protected materials
12 both in discovery and as prefiled documents, remember
13 that those materials need to be segregated. They need
14 to be placed in the sealed envelope and the envelope
15 needs to be identified as containing confidential
16 material protected by protective order in this docket
17 number. Do not distribute anything that's protected
18 material to anyone who has not signed the protective
19 order.

20 Responses to discovery requests must be
21 sent directly to counsel for the Commission staff. Do
22 not send those through the Commission secretary. But
23 all other prefiled materials and case-related
24 correspondence needs to be filed through the
25 Commission secretary. The Commission secretary has

00049

1 not allowed -- it is not filed under the Commission's
2 rules. Commission asks people to use its post office
3 box address, not its street address. That address is
4 Post Office Box 47250, Olympia, Washington 98504-7250.
5 For prefiled materials you need to send an original
6 plus 19 copies. You do not need to send additional
7 copies to Judge Prusia or me because we will receive
8 one of the 19 copies.

9 If, however, at any time you are sending
10 time-sensitive materials to me or Judge Prusia you
11 need to make sure that the Commission record center
12 knows the materials are time-sensitive and that our
13 copies need to be hand delivered immediately.

14 Is there anything else that we need to
15 discuss in this pre-hearing conference?

16 Hearing nothing I will continue the
17 pre-hearing conference until April 30. Thank you all.

18 (Hearing adjourned at 3:00 p.m.)

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