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1                   COLUMBIA RURAL ELECTRIC ASSOCIATION, by  
2                   MICHAEL V. HUBBARD, Attorney at Law, 147 Main Street,  
3                   Post Office Box 67, Waitsburg, Washington 99361;  
4                   telephone, (509) 337-6643.

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

2                    JUDGE CAILLE: We are on the record. This is  
3 a prehearing conference in Docket No. UE-001734. This  
4 is Washington Utilities and Transportation Commission  
5 versus PacifiCorp doing business as Pacific Power and  
6 Light. This matter concerns PacifiCorp's application  
7 for a tariff revision, which would allow PacifiCorp to  
8 charge a customer the costs associated with removing  
9 PacifiCorp's utility property from the customer's  
10 location when the customer changes utility service  
11 providers.

12                    Today is September 11th, 2002, and we are  
13 convened at Commission's offices in Olympia,  
14 Washington. My name is Karen Caille, and I'm the  
15 presiding administrative law judge in this proceeding.  
16 The purpose of today's prehearing conference is to  
17 number for identification all exhibits and cross  
18 exhibits and to attend to other procedural matters.

19                    Our agenda today will include determination  
20 of the order of witnesses and cross-examination, which  
21 we have already done off the record and I will put on  
22 the record in a moment. Once we have determined the  
23 order of witnesses and cross-examination, we will mark  
24 the exhibits and cross-exhibits to reflect that order.  
25 I will hear any objections to evidence, and we will

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1 finally attend to any other procedural matters.

2 So let's begin with appearances. If you will  
3 please state your name and whom you represent, then I  
4 think that will be sufficient for today's purposes, so  
5 let's begin with the Company.

6 MR. PAINE: James C. Paine appearing on  
7 behalf of PacifiCorp.

8 MR. HUBBARD: Mike Hubbard on behalf of  
9 Columbia REA.

10 MR. SANGER: Irion Sanger on behalf of the  
11 Industrial Customers of Northwest Utilities.

12 MR. TROTTER: Donald T. Trotter, assistant  
13 attorney general for Commission staff.

14 JUDGE CAILLE: Let the record reflect there  
15 are no other appearances. Prior to going on the record  
16 this morning, I have had a discussion with the parties  
17 regarding the order of witnesses and the order of  
18 cross-examination. The order of witnesses will be as  
19 follows: Mr. William G. Clemens followed by Thomas H.  
20 Husted, and then finally, Henry B. McIntosh.

21 The order of cross-examination for  
22 Mr. Clemens will be first ICNU, then Columbia, then  
23 Staff. The order for Mr. Husted will be PacifiCorp  
24 followed by Staff, and the order for Mr. McIntosh will  
25 be ICNU, Columbia, and PacifiCorp.

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1           Our first witness is Mr. Clemens, so if you  
2 will get your master exhibit list that came from me, we  
3 will mark Mr. Clemens' Exhibit WGC-T1 as 1-T and WGC-2T  
4 will be identified as 2-T. Then if you will look at  
5 your ICNU cross-exhibits for Mr. Clemens, begins about  
6 the fourth one down. We'll mark that as 3, and then  
7 just proceed the rest of the way down.

8           (Discussion off the record.)

9           JUDGE CAILLE: So for purposes of the record,  
10 the cross-exhibits for ICNU from Mr. Clemens are  
11 Exhibit 3 through 48, and I will submit a copy of the  
12 exhibit list to take care of the description of each of  
13 those exhibits for purposes of the record.

14           MR. PAINE: Judge Caille, it's been quite  
15 awhile since I participated in one of these as well. I  
16 would assume that any potential objections that can be  
17 lodged at hearing based on foundation or any other  
18 relevant basis for objection at that time; is that  
19 correct?

20           JUDGE CAILLE: That is correct. Although, if  
21 you have anything major -- that's why I'm asking you  
22 folks to appear at 9:00 next Friday -- I would like to  
23 take care of any of those preliminary matters in order  
24 that when we call the Commissioners to the Bench, we  
25 can just begin right away, and it may be something they

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1 need to hear too, so we will just have to kind of judge  
2 at the time.

3 MR. PAINE: My only concern at this point, if  
4 you would want to call it major, is considering the  
5 number of listed cross-examination exhibits whether one  
6 day is going to be sufficient for hearing. That is my  
7 principle concern. With the number of exhibits  
8 identified by ICNU and CREA, I'm a little concerned  
9 about whether or not we are going to be able to  
10 complete this hearing on Friday the 20th.

11 JUDGE CAILLE: I don't know whether all these  
12 exhibits will actually be used. My experience has been  
13 in the past that sometimes these exhibits aren't all  
14 used.

15 MR. SANGER: For ICNU's sake, I believe we  
16 are going to need the full two hours, but after we  
17 reviewed the exhibits, you will see that a lot of them  
18 are fairly similar and will be introduced concurrent  
19 with each other. So there may not be a need for us to  
20 separately introduce a separate question for each  
21 exhibit.

22 MR. PAINE: We will see how it goes.

23 JUDGE CAILLE: My other comment is -- and  
24 this is just from having read the testimony -- it  
25 doesn't seem that this particular proceeding is very

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1 fact specific. What we are pretty much facing here is  
2 a policy decision, and so I understand you need to get  
3 what you need to get into the record in order to make  
4 your arguments on your brief, but I encourage the  
5 parties to limit your cross-examination to what you are  
6 really going to need.

7 I don't know when we would be able to get  
8 another day, so I didn't realize there were that many  
9 cross-exhibits at the time that we reduced the hearing  
10 to a day, and it looked to me like from the number of  
11 prefiled exhibits and the amount of testimony that this  
12 was not even going to take a day, and the Commissioners  
13 had other obligations that week also. So I felt pretty  
14 comfortable with saying that we could accomplish this  
15 in a day, so hopefully, we will still be able to do  
16 that, but your concern is noted for the record.

17 MR. PAINE: Thank you.

18 JUDGE CAILLE: So we stopped with 48 for  
19 ICNU's cross-exhibits, so that would mean we begin with  
20 49 on Columbia's exhibits for Mr. Clemens.

21 MR. SANGER: I have a question regarding  
22 CREA's exhibits. If you could tell me what the  
23 difference is between the two exhibits? You've got  
24 your first two exhibits here before the data requests.

25 MR. HUBBARD: Those lodged under what will be



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1 No. 50 of one exhibit.

2 JUDGE CAILLE: Okay, now you've lost me.

3 MR. HUBBARD: Our second exhibit is a service  
4 request from an Allen Laib followed by the record on  
5 UTC complaint file 78523. Those will be offered as one  
6 exhibit.

7 MR. SANGER: So the first exhibit is one  
8 page.

9 MR. HUBBARD: The first page is one of one  
10 page.

11 JUDGE CAILLE: So we will start with the  
12 first exhibit, and that will be --

13 MR. SANGER: Judge Caille, I was wondering if  
14 we wanted to leave some space for the opportunity for  
15 any others. We don't foresee having any others at this  
16 time, but --

17 JUDGE CAILLE: We usually do that.

18 MR. SANGER: Maybe start at 60?

19 JUDGE CAILLE: Yes. Let's start at 60 and go  
20 to 112. So that looks like it takes care of all the  
21 cross-exhibits for Mr. Clemens. For the record, the  
22 Columbia Rural Electric's cross-exhibits for  
23 Mr. Clemens begin with Exhibit No. 60 and go through  
24 Exhibit No. 112, and I will provide a copy of that for  
25 the record for description of those exhibits.

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1           Our next witness is Mr. Husted. Should we  
2 start with 120 for Mr. Husted?

3           MR. TROTTER: I would recommend starting with  
4 200 so each party has a different sequence.

5           JUDGE CAILLE: So the response testimony of  
6 Thomas H. Husted that I have designated at THH-T1, that  
7 will be 201-T. Beginning with PacifiCorp's  
8 cross-examination exhibits, it will be 202, 203, 204,  
9 205.

10          MR. PAINE: Does everyone understand that 205  
11 constitutes the latest three annual reports of CREA? I  
12 tried to make that clear earlier. I just wanted to  
13 make sure everyone understands that.

14          MR. HUBBARD: It's understood.

15          JUDGE CAILLE: Then next, we have Staff's  
16 cross-examination exhibits of Mr. Husted. Is there a  
17 proposal for what we should begin on the number? We  
18 stopped with 205.

19          MR. TROTTER: 215.

20          JUDGE CAILLE: Just so I'm consistent on the  
21 record, PacifiCorp's cross-examination exhibits are  
22 designated as Exhibits 202 through 205, and those will  
23 be described by the exhibit list I submit into the  
24 record.

25          Now, Commission staff will begin with 215,

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1 216, 217 and 218, so it will be 215 through 218 because  
2 the last one is now being taken care of by PacifiCorp?

3 MR. TROTTER: Yes, that's fine.

4 JUDGE CAILLE: So for purposes of the record,  
5 Staff's cross-examination exhibits of Mr. Husted have  
6 been marked as Exhibits 215 through 218, and I will  
7 submit a written description of those as provided on  
8 the exhibit list for purposes of the record.

9 For Mr. McIntosh, we will begin with 301-T  
10 through 309, and there are no cross-examination  
11 exhibits.

12 MR. SANGER: ICNU has three cross-exhibits.

13 JUDGE CAILLE: Yes. First of all, for  
14 purposes of the record, the prefiled direct testimony  
15 and prefiled exhibits of Mr. Hank McIntosh are  
16 designated as Exhibits 301-T through 309, and I will  
17 submit a written description of that for the record.

18 ICNU has three cross-examination exhibits for  
19 Mr. McIntosh, and we will number those as 310, 311, and  
20 312, and again, I will submit descriptions of those  
21 exhibits for the record.

22 MR. HUBBARD: If I might inquire, Your Honor,  
23 if Mr. Trotter has another list of cross-exhibits or  
24 direct exhibits for Mr. McIntosh.

25 JUDGE CAILLE: You didn't get one of these?

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1                   MR. TROTTER:  It's what we distributed when  
2  you walked in the room.  It's on the second page of  
3  what the judge handed out.

4                   MR. HUBBARD:  Now we are caught up.  Thank  
5  you.

6                   JUDGE CAILLE:  Do any of the parties have any  
7  other procedural matters to bring forward to me today?  
8  Okay, what I will do is I'll ask you again to please  
9  e-mail me your exhibit lists, and my staff will make a  
10 master list of these exhibits in order with the  
11 descriptions.  That's what we will be working from and  
12 that's what you will be working from and the Bench will  
13 so we will all be on the same page.

14                   What we do is we prepare the Commissioners'  
15 books, and the books are prepared with the exhibit  
16 numbers in numerical order, and hopefully with the  
17 witnesses appearing in that order, things will go  
18 smoothly and we will not waste much time.

19                   Again, I will ask you to please arrive at  
20 nine o'clock next Friday, the 20th, just so we can take  
21 care of any preliminary matters.  I can take  
22 appearances from the parties, and I can swear in the  
23 first witness and then call the Commissioners to the  
24 Bench.  I think that is all I really wanted to go over  
25 today.  Is there anything from anyone else?

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1 MR. TROTTER: Just one second, Your Honor.

2 JUDGE CAILLE: Sure.

3 MR. TROTTER: I didn't mark numbers on my  
4 sheet. On the record, Your Honor, at hearing, is it  
5 expected that the parties would refer to exhibits by  
6 number and not by suffix, Page MB-2 and so on, so the  
7 witness on the stand should have a complete set of  
8 numbered exhibits?

9 JUDGE CAILLE: Yes, that would be very  
10 helpful. If there is nothing further, thank you very  
11 much for coming, and I will see you next Friday.

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13 (Prehearing conference concluded at 2:00 p.m.)

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