

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER  
& LIGHT COMPANY,

Respondent.

DOCKET UE-210402

ORDER 03

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
**(Evidentiary Hearing set for  
December 3, 2021, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On June 1, 2021, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective tariff WN U-76, as listed in the appendix attached to this Order. PacifiCorp characterizes its filing as a Power Cost Only Rate Case (PCORC). In PacifiCorp’s last general rate case, the Commission approved a full settlement, subject to conditions, which required the Company to file a PCORC by June 1, 2021.<sup>1</sup>
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on June 24, 2021, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Ajay Kumar and Carla Scarsella, in-house counsel, represent PacifiCorp. Joe Dallas Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).<sup>2</sup> Lisa W. Gafken, Nina Suetake, and Ann Paisner, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Yochanan Zakai, Shute Mihaly & Weinberger, LLP, represents the Energy Project (TEP). Tyler C. Pepple and Brent L. Coleman, Davison Van Cleave, P.C., represent Alliance of Western Energy Consumers

---

<sup>1</sup> *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, Docket UE-191024 (consolidated) Final Order 09 ¶ 64 (December 14, 2020) (“The Parties agree that PacifiCorp will file a PCORC by June 1, 2021.”).

<sup>2</sup> In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

(AWEC). Vicki M. Baldwin, Parsons, Behle, & Latimer, represents Walmart, Inc (Walmart). Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **PETITIONS FOR INTERVENTION.** AWEC, TEP, and Walmart timely filed petitions to intervene.

5 Absent objections to the petition to intervene, the Commission finds that AWEC, TEP, and Walmart have established a substantial interest in this proceeding and that these parties' participation will be in the public interest.

6 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order, in this docket on June 15, 2021.

7 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. Response times to data requests will be adjusted as set forth in Appendix B.

8 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

9 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference, which includes a deadline for filing errata sheets on or before November 23, 2021. The Commission adopts the parties' proposed procedural schedule, which is attached to this Order as Appendix B. The parties may modify the date of the settlement conference by providing written notice to the Commission.

10 The Commission is not bound by requested final order date set forth in the parties' agreed procedural schedule.<sup>3</sup> Although we adopt the parties' proposed schedule, we reserve the right to extend or otherwise modify the procedural timeline if doing so is necessary to afford the Commission adequate time to consider all of the evidence and render its decision.

---

<sup>3</sup> *WUTC v. Puget Sound Energy*, Dockets UE-072300 (consolidated) Order 13 ¶ 42 (January 15, 2009).

- 11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
  - (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov), provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
  - (c) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case.
  - (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
  - (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge ([michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.
- 12 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Tuesday, November 23, 2021.** The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.
- 13 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each

submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits and cross-examination exhibits, by **5 p.m., Tuesday, November 23, 2021.**

- 14 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge ([michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)) and the other parties by **5 p.m., Tuesday, November 23, 2021.**
- 15 **PUBLIC COMMENT HEARING.** At the prehearing conference, the parties submitted an agreed-upon procedural schedule that includes a public comment hearing. The parties note that the exact date of the public comment hearing is to be determined. The Commission agrees that conducting a virtual public comment hearing is in the public interest, and will thus convene such a hearing on or before December 3, 2021. PacifiCorp customers must receive notice of the date, time, and the methods for participating in the public comment hearing, as well as other information required under WAC 480-100-197, at least 30 days prior to the date of the public comment hearing.
- 16 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket via the Microsoft Teams platform on **Tuesday, December 3, 2021, at 9:30 a.m. To participate by phone, call (253) 372-2181 and enter the Conference ID: 121 187 491#. To participate via the Microsoft Teams application, use the following link: [Click here to join the meeting.](#)**
- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection,**

**this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective June 25, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Michael S. Howard*

MICHAEL HOWARD

Administrative Law Judge

**APPENDIX A  
PARTIES'  
REPRESENTATIVES DOCKET  
UE-210402**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
PacifiCorp	Ajay Kumar PacifiCorp 825 NE Multnomah Street, Suite 2000 Portland, OR 97232	(503)-813-5161	<a href="mailto:ajay.kumar@pacificorp.com">ajay.kumar@pacificorp.com</a>
	Carla Scarsella PacifiCorp 825 NE Multnomah Street, Suite 2000 Portland, OR 97232		<a href="mailto:carla.scarsella@pacificorp.com">carla.scarsella@pacificorp.com</a>
Commission Staff	Joe Dallas Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1188	<a href="mailto:joe.dallas@utc.wa.gov">joe.dallas@utc.wa.gov</a>
Public Counsel	Ann N.H. Paisner Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	<a href="mailto:Ann.Paisner@atg.wa.gov">Ann.Paisner@atg.wa.gov</a>
	Nina Suetake Assistant Attorney General		<a href="mailto:NinaS@atg.wa.gov">NinaS@atg.wa.gov</a>
	Lisa Gafken Assistant Attorney General		<a href="mailto:Lisa.Gafken@atg.wa.gov">Lisa.Gafken@atg.wa.gov</a>
	Corey Dahl		<a href="mailto:Corey.Dahl@atg.wa.gov">Corey.Dahl@atg.wa.gov</a>
	Thomas Johnson		<a href="mailto:Thomas.Johnson@atg.wa.gov">Thomas.Johnson@atg.wa.gov</a>
	Chanda Mak		<a href="mailto:Chanda.Mak@atg.wa.gov">Chanda.Mak@atg.wa.gov</a>
	Kevin Burdet		<a href="mailto:Kevin.Burdet@atg.wa.gov">Kevin.Burdet@atg.wa.gov</a>
	Public Counsel E-Filing		<a href="mailto:PCCSeaEF@atg.wa.gov">PCCSeaEF@atg.wa.gov</a>
AWEC	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
	Brent L. Coleman Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201		<a href="mailto:blc@dvclaw.com">blc@dvclaw.com</a>
	Jesse Gorsuch		<a href="mailto:jog@dvclaw.com">jog@dvclaw.com</a>

PARTY	REPRESENTATIVE	PHONE	E-MAIL
	Bradley G. Mullins		<a href="mailto:brmullins@mwanalytics.com">brmullins@mwanalytics.com</a>
Walmart, Inc.	Vicki M. Baldwin Parsons, Behle, & Latimer, LLP 201 S. Main St., Ste. 1800 Salt Lake City, UT 84111	(801) 532-1234	<a href="mailto:Vbaldwin@parsonsbehle.com">Vbaldwin@parsonsbehle.com</a>
The Energy Project	Yochanan Zakai Shute, Mihaly, & Weinberger, LLP 396 Hayes Street San Francisco, California 94102	(415) 552-7272	<a href="mailto:yzakai@smwlaw.com">yzakai@smwlaw.com</a>
	Sara L. Breckenridge		<a href="mailto:breckenridge@smwlaw.com">breckenridge@smwlaw.com</a>
	Shawn M. Collins		<a href="mailto:shawnc@oppco.org">shawnc@oppco.org</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UE-210402**

EVENT	DATE
Tariff Filing	<b>June 1, 2021</b>
Tariffs suspended and discovery commenced	<b>June 16, 2021</b>
Prehearing Conference	<b>June 24, 2021</b>
Workshop (parties only)	<b>July 20, 2021</b>
Settlement Conference (parties only)	<b>September 1, 2021</b>
Response Testimony	<b>September 30, 2021<sup>4</sup></b>
Notices Issued for Public Comment Hearings	<b>30 days prior to Public Comment Hearings</b>
Public Comment Hearing	<b>TBD (Exact date to be determined)</b>
Rebuttal/Cross Answering Testimony	<b>October 29, 2021</b>
Discovery Cutoff	<b>November 16, 2021</b>
File Cross Examination Exhibits, Witness Lists, and Errata sheets, and email Cross-Examination Time Estimates to the presiding ALJ	<b>November 23, 2021</b>
Hearing	<b>December 3, 2021, at 9:30 a.m.</b>
Simultaneous Post-hearing Briefs	<b>December 17, 2021</b>
Simultaneous Reply Briefs	<b>December 23, 2021</b>
Requested Final Order Date	<b>On or before February 1, 2022</b>

---

<sup>4</sup> As of the effective date of this order, the response time for data requests is five business days based on the best efforts of the Parties.