

WUTC v. Washington Water Supply, Inc.

**Docket No. UW-240079 & UW-230598 - Vol. II
(July 10, 2024)**



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	
vs.)	DOCKETS UW-240079
)	UW-230598
)	(Consolidated)
)	
WASHINGTON WATER SUPPLY, INC.,)	
)	
Respondent.)	PAGES 19 - 29
)	

REMOTE PREHEARING CONFERENCE - VOL II
BEFORE ADMINISTRATIVE LAW JUDGE CONNOR THOMPSON
July 10, 2024

Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, Washington 98504

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, WA CCR 2731

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1 July 10, 2024

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4 JUDGE THOMPSON: Let's be on the record. The
5 time is 9:31 a.m. Today is July 10, 2014. My name is
6 Connor Thompson and I am the administrative law judge
7 with the Washington Utilities and Transportation
8 Commission assigned to this case.

9 Let's go ahead and start out with taking
10 appearances. And we'll go ahead and start with staff.

11 ATTORNEY GAFKEN: Good morning. My name is
12 Lisa Gafken. I'm an assistant attorney general appearing
13 on behalf of staff, along with assistant attorney general
14 Cassandra Jones.

15 JUDGE THOMPSON: Thank you. And for the
16 company?

17 ATTORNEY GRIMES: Good morning. Alysa Grimes
18 on behalf of the company, Washington Water Supply, Inc.

19 JUDGE THOMPSON: Thank you very much.

20 And do we have any intervenors today? I'm
21 not anticipating any. And it does not look like we have
22 anybody else online.

23 So we are here today for a second prehearing
24 conference in Dockets UW-230598 and UW 240079
25 consolidated. This second prehearing conference was

1 scheduled following the filing of a complaint by the UTC
2 staff against Washington Water Supply on May 30 with an
3 errata filed May 31.

4 The complaint alleges five causes of action,
5 including two statutory violations, one violation of the
6 administrative code, and two violations of a previous
7 order of the commission.

8 Looking at the docket, it does not appear
9 that the company has filed an answer or a motion in
10 response to the complaint. And so today's prehearing
11 conference is going to be a little bit different. We're
12 not going to go through the same song and dance regarding
13 how to file an errata and all of those things.

14 But really, I want to know, one, is there a
15 reason we don't have an answer at this time; and two, do
16 we need to make any changes to the procedural schedule as
17 its already outlined in the previous prehearing
18 conference order to accommodate for the complaint in this
19 docket?

20 So I'll go ahead and just start out with the
21 company, and you, Ms. Grimes, please go ahead.

22 ATTORNEY GRIMES: Thank you, your Honor. The
23 reason that an answer hasn't been filed is completely my
24 oversight. I expected that we would do a prehearing
25 conference as usual and did not realize that there was a

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1 different procedure for a complaint. I apologize.
2 That's my fault. And we will file an answer, if we're
3 allowed to do so, today.

4 JUDGE THOMPSON: Okay. And just for your
5 reference, so you know where I'm referring to for the
6 deadline for filing an answer, it's in
7 WAC 480-07-370 (2), and it's Answer to formal complaint.
8 And it has a 20-day timeline. And that typically applies
9 to motions to dismiss, too.

10 Does staff have any objection to allowing the
11 company to file an answer?

12 ATTORNEY GAFKEN: Staff does not have an
13 objection to allowing the company to file an answer.

14 JUDGE THOMPSON: Okay. I'll go ahead and
15 allow you -- let's go ahead and give you seven days, if
16 staff has no objection, so you don't feel the need to
17 slap something together. And we can go ahead and go
18 seven days and file an answer by this time next week.

19 ATTORNEY GRIMES: Thank you, your Honor.
20 And thank you, staff.

21 JUDGE THOMPSON: Let me just make a note.
22 Okay.

23 And for the procedural schedule, obviously
24 the complaint makes things a little bit different
25 procedurally. We have the company bearing the burden on

1 the rate case side of things and staff bearing the burden
2 of proof on the complaint side of things.

3 And so we do have a procedural schedule in
4 this docket as it stands today. But I'm wondering if we
5 need to make any additions or move any dates around to
6 the procedural schedule to accommodate for the complaint.
7 Does staff have any opinions on that?

8 ATTORNEY GAFKEN: We do. And we've also
9 consulted with the company, and we've come to an agreed
10 schedule.

11 And I think the upshot is the parties are
12 amenable to combining the complaint procedural schedule
13 with the existing rate case procedural schedule. There
14 are a few modifications that need to be made in order to
15 make it this happen. But the hearing and the existing
16 deadlines all remain intact.

17 The modifications deal with the testimony.
18 We need to add a round of testimony so staff can file its
19 direct case in the complaint matter, and then we need to
20 add rounds of testimony related to the complaint
21 throughout the rest of the case.

22 So I can read off what we've come up with.
23 And then I also have an e-mail fired up so I can send you
24 the same schedule with the notes. So you can take a look
25 at it in preparing the order for this prehearing

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1 conference.

2 JUDGE THOMPSON: Okay. Wonderful. If you
3 want to go ahead and read what you have into the record,
4 and then, yeah, absolutely, if you could send me the
5 email afterwards, that would be much appreciated.

6 ATTORNEY GAFKEN: Okay. So I guess I'll
7 start with the date that's already passed. The company
8 filing was due on January 27 in the rate case. That's
9 already happened.

10 New deadline would be staff complaint
11 testimony coming in on August 27, 2024. This would be
12 staff's direct case under the complaint.

13 And then we still have a first settlement
14 conference scheduled for September 17, 2024. And that
15 would be on all issues in both of the consolidated
16 dockets.

17 Response testimony is still January 22, 2025.
18 Originally, this was staff's response to the rate case.
19 That still, of course, remains in place. But then we're
20 adding company response to the complaint on that date.

21 We have a second settlement conference on
22 February 5, 2025. And again, that would be on all issues
23 that are present in the consolidated dockets.

24 Rebuttal testimony comes in on February 20,
25 2025. And so originally, that was company rebuttal on

1 the rate case. We're adding staff rebuttal on the
2 complaint.

3 And then from there, the rest of the dates
4 and events remain the same.

5 Public comment hearing, that still needs to
6 be scheduled.

7 Discovery deadline being February 27, 2025.

8 Cross exhibits, cross estimates, and errata
9 coming in on March 11, 2025.

10 Hearing, March 18, 2025.

11 Briefs, April 17, 2025.

12 And the suspension deadline for the rate case
13 component remains the same at July 1, 2025.

14 JUDGE THOMPSON: Okay. And so just to be
15 sure that I got that correct, we're going to go ahead and
16 add staff filing on August 27, and then for response and
17 rebuttal testimony, those -- each party will be filing on
18 those dates.

19 ATTORNEY GAFKEN: Correct.

20 JUDGE THOMPSON: Okay. That all makes
21 perfect sense to me. And I appreciate the parties
22 conferring ahead of time and making the necessary
23 changes.

24 With that, I don't think I have anything else
25 for today.

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1 I'll probably go ahead and issue a second
2 prehearing conference order. It may be more limited in
3 nature than the typical prehearing conference order, just
4 amending the schedule.

5 I don't think that I'll likely do an errata,
6 just because I do want to go ahead and put in writing the
7 extension for the answer. And so I'll go ahead and get
8 to work on that.

9 Are there any other issues from the parties
10 that need to be addressed this morning?

11 ATTORNEY GAFKEN: The only question I had,
12 we're already in a consolidated proceeding. We have
13 discovery from the first prehearing conference order. My
14 assumption is that we would have discovery for the
15 complaint portion as well. I just wanted to confirm
16 that.

17 JUDGE THOMPSON: Yes. We will have
18 discovery, and I will make sure to include that in the
19 prehearing conference order. Because this is -- the
20 complaint is filed in the same docket, my read would be
21 that, you know, the prehearing conference order that has
22 already been issued would apply as far as discovery goes.
23 But I'll go ahead and ensure that we clarify that in the
24 second prehearing conference order.

25 ATTORNEY GAFKEN: Perfect. I kind of went

1 through that same process as well. I think that applies,
2 but maybe it's worth raising.

3 JUDGE THOMPSON: Yeah. Absolutely. I
4 appreciate it. Thank you for doing so.

5 Does the company have any outstanding
6 issues?

7 ATTORNEY GRIMES: No, your Honor. Thank you.

8 JUDGE THOMPSON: Okay. And it does look like
9 we added a couple of folks during our discussion. Are
10 there -- I'm just going to double check one more time.

11 Do we have any intervenors who are present
12 today?

13 Okay. Hearing nothing, I will go ahead and
14 issue a second prehearing conference order shortly.

15 And I don't believe we have any further
16 issues to address today. We are adjourned.

17 ATTORNEY GAFKEN: Thank you.

18 ATTORNEY GRIMES: Thank you both.

19 JUDGE THOMPSON: Thank you.

20 (Conclusion of proceedings at 9:41 a.m.)

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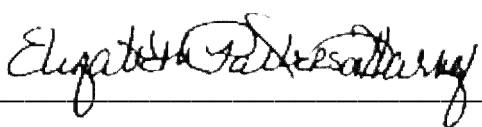

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STATE OF WASHINGTON)
) ss
COUNTY OF KING)

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IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, 2024.

Elizabeth Patterson Harvey, CCR 2731