

Docket No. UE-180778 - Vol. II

**In the Matter of the Petition of Pacific Power & Light
Company**

September 4, 2019



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the)DOCKET UE-180778
Petition of)

PACIFIC POWER & LIGHT)
COMPANY)

For an Order Approving a)
Change in Depreciation)
Rates Applicable to)
Electric Property)

STATUS CONFERENCE, VOLUME II

Pages 15-35

ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

September 4, 2019

11:00 a.m.

Washington Utilities and Transportation Commission
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1 LACEY, WASHINGTON; SEPTEMBER 4, 2019

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11:00 a.m.

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P R O C E E D I N G S

JUDGE O'CONNELL: Let's be on the record.
Good morning. Today is Wednesday, September 4th, 2019,
and the time is approximately 11:00 a.m.

We're here today for a status conference in
Docket UE-180778 regarding Pacific Power & Light
Company's petition for an order approving a change in
the Company's depreciation rates for electric property.

The Commission suspended the procedural
schedule in this matter consistent with an unopposed
motion from Pacific Power. We set this status
conference in order to discuss the reinitiation of the
procedural schedule in this matter.

My name is Andrew O'Connell. I'm an
administrative law judge with the Washington Utilities
and Transportation Commission, and I am presiding in
this matter along with the Commissioners.

To begin, let's take appearances starting
with the Company.

MR. MCVEE: Matt McVee on behalf of
PacifiCorp. Along with me is Etta Lockey, Vice

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1 President for regulation for Pacific Power.
 2 JUDGE O'CONNELL: Okay. Thank you. To turn
 3 on your microphone, it'll turn green, the little circle
 4 around the microphone at the bottom. There you go.
 5 Okay. Thank you, Mr. McVee.
 6 I'll start next with Staff.
 7 MR. CALLAGHAN: Nash Callaghan, Assistant
 8 Attorney General, on behalf of Commission Staff.
 9 JUDGE O'CONNELL: And Public Counsel?
 10 MS. SUETAKE: Nina Suetake on behalf of
 11 Public Counsel.
 12 JUDGE O'CONNELL: And Packaging Corporation
 13 of America?
 14 MR. COLEMAN: Brent Coleman of the law firm
 15 of Davison Van Cleve on behalf of Packaging Corporation.
 16 JUDGE O'CONNELL: And I note the name change
 17 that we have. It's no longer Boise White Paper, but
 18 Packaging Corporation of America; is that correct?
 19 MR. COLEMAN: That is correct.
 20 JUDGE O'CONNELL: Okay. Is Mr. Pepple also
 21 still a representative?
 22 MR. COLEMAN: Yes.
 23 JUDGE O'CONNELL: Okay. And for Sierra
 24 Club?
 25 MR. GERHART: Matthew Gerhart representing

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1 Sierra Club.
 2 JUDGE O'CONNELL: Okay. Thank you.
 3 So the big topic I want to discuss today is
 4 the procedural schedule. Have the parties discussed a
 5 procedural schedule?
 6 MR. CALLAGHAN: So, Your Honor, I don't
 7 believe that all the parties are in agreement about how
 8 to move forward in this case.
 9 JUDGE O'CONNELL: Okay. Would the parties
 10 benefit from having some time to talk now or have you
 11 already attempted to talk and there's no hope of
 12 reaching an agreement?
 13 MR. CALLAGHAN: I -- we had some
 14 communication through email yesterday. I don't think
 15 we'll ultimately reach an agreement if -- if we were to
 16 recess, Your Honor.
 17 JUDGE O'CONNELL: Okay.
 18 MR. MCVEE: Your Honor, I think maybe if we
 19 could have ten minutes, we might be able to just discuss
 20 and make sure where all the parties are. I, you know,
 21 agree with the attorney for Staff, that I'm not sure we
 22 could get everyone, but it might just benefit all
 23 parties to -- to have maybe five minutes to talk to see
 24 if there's a -- maybe we can develop some consensus or
 25 maybe there is a possible resolution.

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1 JUDGE O'CONNELL: Okay. Well, in the event
 2 that there isn't an agreement when I come back, the two
 3 dates I'm going to be looking at as discussing are the
 4 date for response testimony and the date for an
 5 evidentiary hearing. I see all dates kind of falling
 6 around those -- all other dates falling around those
 7 two, but let's take some time and we will recess for ten
 8 minutes. The time is currently 11:05, so I will come
 9 back at 11:15 and we will pick up from there. We will
 10 be off the record. Thank you.
 11 (Recess taken from 11:05 a.m.
 12 until 11:15 a.m.)
 13 JUDGE O'CONNELL: Let's be back on the
 14 record.
 15 Mr. McVee, can I ask you for an update from
 16 the parties?
 17 MR. MCVEE: Yeah, unfortunately, we had some
 18 technical issues in that we didn't realize that we
 19 needed to speak into the mics to discuss with people on
 20 the phone.
 21 JUDGE O'CONNELL: Oh.
 22 MR. MCVEE: So unfortunately, Sierra Club
 23 was not party to the discussion that was going on, so we
 24 would like to respectively request that we have another
 25 ten minutes.

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1 JUDGE O'CONNELL: I think it's appropriate
 2 to make sure that all the parties can hear the
 3 conversation and partake in it, so we will be off the
 4 record for ten more minutes. I'll return at 11:25.
 5 MR. MCVEE: Thank you, Your Honor.
 6 (Recess taken from 11:16 a.m.
 7 until 11:26 a.m.)
 8 JUDGE O'CONNELL: Let's be on the record,
 9 then. Can I please have an update on the parties?
 10 MR. MCVEE: Yeah, Matt McVee for PacifiCorp.
 11 PacifiCorp is -- requests that this proceeding continue
 12 to be held in abeyance. We have our IRP we filed
 13 notifying the Commission that -- or requesting
 14 additional extension to file the IRP. We think that the
 15 coal issues in the IRP will have some effect on this
 16 proceeding. We do think there is still time because we
 17 did not request rates to be effective until
 18 January 1, 2021. We will be filing our general rate
 19 case in mid December. And that is the effective date of
 20 the new depreciation -- depreciable lives from the study
 21 was going to be -- coincide with that rate effective
 22 date.
 23 We would -- you know, we are open to
 24 continuing settlement discussions to address certain
 25 issues in this proceeding -- that have been raised by

1 the parties in this proceeding during the abeyance
2 period or while this is held in abeyance, and we do have
3 an all-state meeting to try to resolve on a
4 comprehensive basis with all of our states, the non-coal
5 lives scheduled for October 22nd.

6 And so we're continuing to work through this
7 proceeding to get the study and address the issues from
8 representatives and stakeholders from all of our states,
9 and we think that that process can continue to play out
10 and would benefit this proceeding. And then after we go
11 into the rate case, that would provide -- if we hold
12 this proceeding in abeyance, that would allow for
13 consolidation with the rate case, which would align all
14 of the -- the rate effectives and allow all parties to
15 raise issues and potentially reach a settlement.

16 JUDGE O'CONNELL: Okay. You mentioned the
17 Company's IRP. When is that going to be submitted?

18 MR. CALLAGHAN: October 18th.

19 JUDGE O'CONNELL: Okay. Okay. Well, I'm
20 going to take that request into consideration when
21 deciding how we're going to proceed in this matter. But
22 I would like to hear from the other parties to hear
23 their perspective, both on what Pacific Power just
24 proposed and any other thoughts you have on the
25 schedule.

1 moment and ask a question about the Company's planned
2 GRC. Is there an estimated date when the Company
3 expects to file?

4 MR. MCVEE: Yes, at this point, December
5 13th is our expected filing date.

6 JUDGE O'CONNELL: Okay. Ms. Suetake for
7 Public Counsel?

8 MS. SUETAKE: Thank you, Your Honor. Public
9 Counsel is concerned about a number of items. One is
10 the need to accelerate coal depreciation, and I don't
11 want to wait on at least that portion, if possible.
12 However, I'm cognizant of the fact that the IRP -- past
13 IRP is coming out and that might have an effect on all
14 of -- everything that we're discussing here.

15 I am not ready to say yes, just wait until
16 the GRC, but given that we have the all-state meeting
17 coming up in October after the IRP is released, I would
18 be interested in at least waiting until we -- we can
19 talk to everybody, we can see the -- the IRP that's
20 filed, and then maybe we have a little bit better idea
21 of the landscape we're looking at. I feel like right
22 now we're kind of fumbling around trying to make all the
23 pieces fit without actually knowing what the pieces look
24 like.

25 Oh, in addition, Your Honor, sorry, to add,

1 Let's start with Staff. Mr. Callaghan?

2 MR. CALLAGHAN: Thank you, Your Honor.
3 Commission Staff is in agreement. We would like this
4 docket to remain suspended, and hopefully that would
5 allow us to consolidate with the GRC when that is filed
6 in December. There are a few reasons for that.

7 First, the -- the IRP has been continued.
8 Originally this docket was suspended in February.
9 Because the IRP had been continued, it's been continued
10 again, so we think that that is a good reason to
11 continue this out.

12 Another reason is the recent legislation
13 that was passed this summer. Given that this changes
14 some of the requirements for depreciation, this would
15 mean if we set a separate schedule, procedural schedule
16 in this case, that the Company would have to file
17 supplemental testimony with regard to depreciation on
18 especially some of the coal generation plants anyway.

19 We also think that if this was consolidated
20 with the GRC, it would allow the parties to consider
21 solutions that -- to the accelerated depreciation issue,
22 which would not be available to us in this accounting
23 petition. Thank you, Your Honor.

24 JUDGE O'CONNELL: Thank you, Mr. Callaghan.
25 Mr. McVee, I need to come back to you for a

1 we're also worried about the fact that this depreciation
2 study was done in 2017, we wouldn't be implementing
3 rates until 2021. There's this question of stale
4 information, stale data, and if we go forward with, you
5 know, waiting until the GRC, would there be an
6 opportunity and requirement for the Company to update
7 the depreciation rates or explain how things have not
8 changed, how and why?

9 JUDGE O'CONNELL: Well, I think that's a
10 reasonable question to ask. Would the Company plan on
11 updating the depreciation study in its GRC?

12 MR. MCVEE: I -- we need to discuss that
13 internally within the Company. However, I just want to
14 note that while it was based on the 2017 actual data,
15 which was the -- the newest information when -- that the
16 Company could use, the -- the most recent actual data
17 that the Company could use when it was preparing this
18 case, it was based on forecasts through
19 December 31, 2020. So it's -- the -- the data was
20 updated best based on the information that we had on the
21 time and forecasted forward.

22 So I mean, as far as the -- the actual
23 information being stale, I mean, it was still forecasted
24 forward and, you know, the -- subsequent as we go
25 through to this process, the subsequent depreciation

1 studies are filed, that will generally kind of true-up
2 those, you know, any -- any errors with the forecast
3 that maybe have been included.

4 JUDGE O'CONNELL: Okay. Thank you.

5 Mr. Coleman for Packaging Corporation of
6 America?

7 MR. COLEMAN: Thank you, Your Honor. PCH
8 shares many of the concerns expressed by Public Counsel.

9 I think we -- we agree and share the concern with
10 respect to the vintage of the -- of the study. We have
11 a concern with respect to the continued delay of the
12 implementation of the new rates and -- and sort of
13 the -- the restriction of the time that that results
14 in -- in the -- so amplification of the effect of the
15 new rates on -- or of the new depreciation lives on --
16 on the -- and rates with respect to the -- the issues at
17 hand.

18 I think we would share, to the extent
19 possible, that -- the concept of we can maybe focus on
20 some of the -- some of the coal assets and get -- get
21 that up and -- up and running, we'd appreciate that. I
22 think that -- I understand -- also, I think how much
23 some of these issues overlap, but I'm not necessarily
24 sure that when -- when historically decisions were made
25 to -- to postpone that there was an understanding that

1 directed to accelerate coal depreciation. But given the
2 IRP is slated to come out in just a little over a month
3 and that -- that IRP might further change the -- how
4 depreciation is handled for coal units, I think from
5 Sierra Club's perspective, it makes sense to -- would
6 make sense to have another status conference the last --
7 towards the end of October to revisit it.

8 With respect to suspending the case until
9 the GRC is filed, at this time Sierra Club doesn't have
10 a position on that. I'm not able to support that right
11 now, but we can support an interim continued suspension
12 until the end of October.

13 JUDGE O'CONNELL: Okay. So I'm going to
14 think on the request whether to suspend -- continue the
15 suspension of this procedural schedule until the next
16 GRC as well as whether a more brief suspension would be
17 justified until October. But at this conference, I want
18 to make sure I understand all of the other positions
19 regarding setting the procedural schedule. And I
20 understand that the IRP is going to come out in October.
21 With that understanding, I would like to hear from the
22 parties who have to file responsive testimony, at least
23 currently in this case, how long those parties need or
24 want in order to file response testimony regarding the
25 depreciation rates.

1 that would also postpone -- postponing A would postpone
2 B.

3 Not -- certainly not trying to impugn any
4 sort of nefarious actions, but I'm not sure that -- that
5 that was really a comprehensive understanding when the
6 decision was made to, you know, postpone the IRP and
7 then this would also continue to be postponed. And --
8 and we would just like to see some movement on this
9 particular -- on this case.

10 JUDGE O'CONNELL: And does PCA have an
11 opinion on whether to wait until after the multistate
12 collaborative that the Company and Public Counsel
13 mentioned?

14 MR. COLEMAN: I don't -- I can't say for --
15 I don't find that as like an offensive proposal. That
16 might not be the right word, but so certainly open to
17 the concept, but don't have a strong position on it.

18 JUDGE O'CONNELL: Okay. And Sierra Club?

19 MR. GERHART: Thank you, Your Honor. So the
20 Sierra Club has a similar position to what I understood
21 Public Counsel's position -- position to be, which is we
22 would support continued suspension to wait until
23 October, in particular for us to allow the IRP to be
24 filed in mid October. Sierra Club is definitely
25 interested in a prompt implementation of the statutory

1 Let's start with Staff.

2 MR. CALLAGHAN: Thank you, Your Honor. In
3 the previous procedural schedule, the prehearing
4 conference was on December 20th and the Staff, Public
5 Counsel, intervenor's response testimony was due May
6 16th, so that is about five months. I don't know that
7 we would need that long necessarily, but certainly we
8 would need sufficient time to respond to any supplements
9 that the Company files with respect to the changes in --
10 in these statutes.

11 JUDGE O'CONNELL: And Public Counsel?

12 MS. SUETAKE: Your Honor, Public Counsel --
13 just so -- Public Counsel and PCA are jointly sponsoring
14 a witness for this proceeding. We haven't had a chance
15 to speak to him as to what his schedule looks like. I
16 don't think we need the entire five months that -- off
17 the top of my head. That's about as far as I could
18 promise at this point for the schedule.

19 JUDGE O'CONNELL: Okay. And PCA?

20 MR. COLEMAN: As she -- as noted, we -- we
21 have the same question, we're sharing the -- sharing the
22 same witness, so not -- not sure the lead time that we
23 would need. May need to just sort of check with his --
24 with his availability. Five months does seem on the
25 long side.

1 JUDGE O'CONNELL: Okay. Sierra Club?
 2 MR. GERHART: Thank you, Your Honor. Sierra
 3 Club doesn't need a full five months because our -- the
 4 scope of the issues that we're addressing is narrower
 5 than what I assumed was the scope for other parties. So
 6 I'm sensitive to the fact that other parties are
 7 interested in a much larger set of issues. We're
 8 focused primarily on depreciation for the coal units, so
 9 for us something on the order of two months would be
 10 fine, but we're definitely not the limiting factor here
 11 and understand that other parties are going to need more
 12 time than we do.
 13 JUDGE O'CONNELL: Okay. Thank you.
 14 I -- I note that we suspended the schedule
 15 in this case February 22nd, which was about three months
 16 from the date that response testimony was due and that
 17 February 22nd was also about five months prior to the
 18 evidentiary hearing that we had set. If -- and thinking
 19 about what procedural schedule we should adopt in this
 20 matter, if we decide that we want to set an evidentiary
 21 hearing, do the parties think that five months from the
 22 date of the IRP is appropriate? Is there -- should
 23 the -- should the parties need more time than that?
 24 MR. CALLAGHAN: Your Honor, I don't believe
 25 that Staff would. It is the case that certain matters

1 JUDGE O'CONNELL: And Sierra Club?
 2 MR. GERHART: Your Honor, five months out
 3 from the IRP submittal to the evidentiary hearing would
 4 be fine for us.
 5 JUDGE O'CONNELL: Okay. Let me ask the
 6 Company. What does Pacific Power think?
 7 MR. MCVEE: I think we're in a similar
 8 situation to PCA and Public Counsel, in that we do have
 9 to coordinate with our -- our witnesses. We are using a
 10 consultant, and so without discussing his schedule, we'd
 11 have to -- we -- we couldn't commit to any date. But
 12 five months, we can work around that.
 13 JUDGE O'CONNELL: Okay. So I think I
 14 understand everyone's -- all the parties' positions on
 15 how to proceed. I intend to issue an order early next
 16 week with the decision. Is there anything else that we
 17 need to discuss that the parties would like to add for
 18 my consideration?
 19 MR. CALLAGHAN: Not at this time, Your
 20 Honor.
 21 MR. MCVEE: Nothing from PacifiCorp, Your
 22 Honor.
 23 MS. SUETAKE: Nothing from Public Counsel.
 24 MR. COLEMAN: And nothing from PCA, thank
 25 you.

1 in this case would change with the IRP, but also certain
 2 matters would stay the same. So I think that five
 3 months would be appropriate.
 4 JUDGE O'CONNELL: And Public Counsel?
 5 MS. SUETAKE: Could I -- a clarifying
 6 question. Do you mean five months between when the IRP
 7 comes out and evidentiary hearing, so it includes
 8 response testimony and rebuttal testimony in the five
 9 months?
 10 JUDGE O'CONNELL: Yes, to have response
 11 testimony and rebuttal testimony, yes.
 12 MS. SUETAKE: Sorry, Your Honor, I was just
 13 looking at the old schedule.
 14 JUDGE O'CONNELL: Sure.
 15 MS. SUETAKE: I think that that might work.
 16 Again, we have -- we don't have any view into what our
 17 witnesses schedule looks like.
 18 JUDGE O'CONNELL: Okay. And PCA?
 19 MR. COLEMAN: Again, I -- I would share and
 20 echo Public Counsel. Likely -- we likely can make it
 21 work, but...
 22 JUDGE O'CONNELL: Okay.
 23 MR. COLEMAN: Not -- not fully educated and
 24 informed to make -- to make a commitment statement at
 25 the moment.

1 JUDGE O'CONNELL: And Sierra Club?
 2 MR. GERHART: Nothing further, Your Honor.
 3 JUDGE O'CONNELL: Okay. And then with that,
 4 I plan to issue an order early next week, maybe --
 5 probably not Monday, but Tuesday or Wednesday. So with
 6 that, we'll be off the record. Thank you all.
 7 (Adjourned at 11:45 a.m.)
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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358

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