

From: [Pearson, Rayne \(UTC\)](#)
To: [Records Management \(UTC\)](#)
Subject: FW: [INTERNET] UE-230172 PacifiCorp GRC filing
Date: Tuesday, May 2, 2023 3:38:12 PM
Attachments: [image001.png](#)

Please place the email thread below in Docket UE-231072. Thank you!

From: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>
Sent: Monday, April 17, 2023 4:17 PM
To: Kumar, Ajay (PacifiCorp) <Ajay.Kumar@pacificorp.com>; Scarsella, Carla (PacifiCorp) <Carla.Scarsella@pacificorp.com>; Son, Ariel (PacifiCorp) <Ariel.Son@pacificorp.com>; McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>; Callaghan, Nash (UTC) <nash.callaghan@utc.wa.gov>; Paisner, Ann (ATG) <Ann.Paisner@atg.wa.gov>; Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>
Cc: Smith, Ryan (UTC) <ryan.smith@utc.wa.gov>; Howard, Michael (UTC) <michael.howard@utc.wa.gov>; Cheesman, Melissa (UTC) <melissa.cheesman@utc.wa.gov>
Subject: Re: [INTERNET] UE-230172 PacifiCorp GRC filing

Good afternoon, my answers are below in bold.

1. Many of the revisions involve the addition of URLs to specific footnotes (for example, Ex. NLK-1Tr, page 3), which, while noted in the April 4 cover letter, can be difficult to distinguish in the legislative blackline since the hyperlink adds an underline. To clarify the revisions, we are considering changing the color of the underlining from blue to red. Would this approach be acceptable in your opinion? **Yes.**
2. In some cases, the addition of the URL has caused a change in the pagination of the document (for example, Ex. AEB-1Tr, page 29). To indicate such changes, would it be acceptable to add a text box to the legislative black line noting that there are only pagination changes? **Yes.**
3. With regards to the complete re-filing, may we provide a new clean version with no blacklines? The Company would also include in the filing (separately from the clean version) the revisions with only the revised pages (including blacklines) provided. **Yes.**
4. For workpapers, there are no changes from the version re-submitted on April 6 (which included the docket number and (C) and (R) designations in the file names). Do the workpaper file names need to be changed once again for this filing? **No, unless the file names contain a date.** Alternatively, should each workpaper be marked in some way to indicate that they are being refiled without revisions? **Not unless the file name contains a date.**
5. For the refiling, file names for testimony and exhibits that contain revisions would include a lowercase r (e.g., Exhibit NLK-1Tr) consistent with the April 4 filing. For testimony and exhibits that do not have any revisions but are being refiled as requested, would the file names need to be changed? **No.** All file names would include the new filing date. **Perfect.**

Please let me know if you have any other questions.

Thanks!

From: Kumar, Ajay (PacifiCorp) <Ajay.Kumar@pacificorp.com>
Sent: Monday, April 17, 2023 3:28 PM
To: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>; Scarsella, Carla (PacifiCorp) <Carla.Scarsella@pacificorp.com>; Son, Ariel (PacifiCorp) <Ariel.Son@pacificorp.com>; McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>; Callaghan, Nash (UTC) <nash.callaghan@utc.wa.gov>; Paisner, Ann (ATG) <Ann.Paisner@atg.wa.gov>; Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>
Cc: Smith, Ryan (UTC) <ryan.smith@utc.wa.gov>; Howard, Michael (UTC) <michael.howard@utc.wa.gov>; Cheesman, Melissa (UTC) <melissa.cheesman@utc.wa.gov>
Subject: RE: [INTERNET] UE-230172 PacifiCorp GRC filing

External Email

Judge Pearson,

Thank you for those clarifications you provided. They have been very helpful as we revise the filing. As we work through the issues you identified, we would like to seek your guidance on a few additional matters to ensure that we do not encounter any further issues with the refiling:

1. Many of the revisions involve the addition of URLs to specific footnotes (for example, Ex. NLK-1Tr, page 3), which, while noted in the April 4 cover letter, can be difficult to distinguish in the legislative blackline since the hyperlink adds an underline. To clarify the revisions, we are considering changing the color of the underlining from blue to red. Would this approach be acceptable in your opinion?
2. In some cases, the addition of the URL has caused a change in the pagination of the document (for example, Ex. AEB-1Tr, page 29). To indicate such changes, would it be acceptable to add a text box to the legislative blackline version noting that there are only pagination changes?
3. With regards to the complete re-filing, may we provide a new clean version with no blacklines? The Company would also include in the filing (separately from the clean version) the revisions with only the revised pages (including blacklines) provided.
4. For workpapers, there are no changes from the version re-submitted on April 6 (which included the docket number and (C) and (R) designations in the file names). Do the workpaper file names need to be changed once again for this filing? Alternatively, should each workpaper be marked in some way to indicate that they are being refiled without revisions?
5. For the refiling, file names for testimony and exhibits that contain revisions would include a lowercase r (e.g., Exhibit NLK-1Tr) consistent with the April 4 filing. For testimony and exhibits that do not have any revisions but are being refiled as requested, would the file names need to be changed? All file names would include the new filing date.

We appreciate your continued guidance on these matters.

Thanks,

Ajay

From: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>

Sent: Friday, April 14, 2023 5:05 PM

To: Kumar, Ajay (PacifiCorp) <Ajay.Kumar@pacificorp.com>; Scarsella, Carla (PacifiCorp) <Carla.Scarsella@pacificorp.com>; Son, Ariel (PacifiCorp) <Ariel.Son@pacificorp.com>; McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>; Nash Callaghan <nash.callaghan@utc.wa.gov>; Ann Paisner <Ann.Paisner@atg.wa.gov>; Lisa Gafken <lisa.gafken@atg.wa.gov>

Cc: Smith, Ryan (UTC) <ryan.smith@utc.wa.gov>; Howard, Michael (UTC)

<michael.howard@utc.wa.gov>; Cheesman, Melissa (UTC) <melissa.cheesman@utc.wa.gov>

Subject: RE: [INTERNET] UE-230172 PacifiCorp GRC filing

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Good afternoon,

My responses to your questions are below, in purple.

1. You note that WAC [480-07-460](#)(1)(a)(iii) requires that “revised portions must be highlighted”. However, the full rule does state, “[t]he revised portions must be highlighted, in legislative style or other manner that clearly indicates the change from the original submission.” We used the “legislative style” with underlines to indicate additions and strikethroughs to indicate subtractions to identify corrections to the testimony which allows the revisions to be clearly noted. We have never used highlights for revisions because highlights are used to indicate confidential information and we would like to avoid confusion on issues of confidentiality.

I used the term “highlight” to mean “bring attention to,” which is how the word is used in the rule. As you point out, the Company may choose how to convey its revisions. Those revisions, however, have not been conveyed. In the examples provided in my first email, you will see that there are track changes made to the cover pages of testimony, but there are no markings of any kind in the text of the substituted pages. This does not comply with the rule. Please use legislative style/track changes to show where changes were made to the text of the testimony.

2. You additionally note that you would like the revised testimony exhibits refiled in full. The rule noted above does not appear to require refileing in full, and in fact in our previous GRC (UE-191024) and PCORC (UE-210402) we filed errata revisions to filings to correct minor errors without refileing the entire testimony. Is the Administrative Hearings Division now requiring that revision filings be complete refiles of the revised testimony? I also would like to confirm that your email is requiring a complete refile of the entire initial filing?

You are correct that this requirement is not in rule. The administrative law division is not changing its practices, but I am requesting a re-filing in the specific circumstances presented here, which are not comparable to the Company's last GRC or PCORC. I have often required companies to take this action in cases where multiple submissions have been made to prevent confusion for the parties and the Commission, as is the case here. While it is true that the Company will not violate any Commission rule or order if it chooses not to comply with this request, it is not clear to me why PacifiCorp would not cooperate. It would be in the best interests of all involved to have a clear record to eliminate any confusion. So yes, I am asking the Company to refile the entire initial filing for that reason.

3. With regards to Attachment C, it is my understanding that you are requiring a revised Attachment C to the filing with all the changes noted (even though the corrections we have filed are identified in the revised cover-letter)?

WAC [480-07-510](#)(4) provides as follows:

(4) Work papers.

(a) *General.* Work papers are documents that support the technical aspects of a party's testimony and exhibits. Work papers may include, but are not limited to, calculations, data analysis and raw data. Work papers are not a part of a party's direct case. Within five business days after each party files and serves its testimony and exhibits, the party also must provide to all other parties the work papers on which each of its witnesses relied when preparing testimony and exhibits. All work papers must comply with the requirements of this subsection.

(b) *Organization.* Work papers must be plainly identified and well organized, with different documents or sections separated by or into tabs, **and must include an index**. All work papers must be cross-referenced and include a description of the cross-referencing methodology. (emphasis added).

Because the Company revised its workpapers, it must provide a revised index consistent with this rule. Attachment C included the workpaper index for this filing. The entire Attachment C index should be revised because it is no longer correct. The revised index should show the revisions made in track changes/legislative format.

4. Are you considering these specific issues identified in your email as substantive issues that are preventing the review under WAC [480-07-141](#)(2)? If so, is the Administrative Hearings Division requesting the Company refile tariff sheets with revised rate effective dates?

The second full paragraph of WAC [480-07-141\(2\)](#) provides, in part, that “the Commission will consider corrected documents to have been filed on the date the original documents were submitted if the deficiencies are not substantive **or otherwise do not impair or hamper the Commission's ability to timely review, analyze, or act on the merits of the submission.** Otherwise, the Commission will consider the documents to have been filed on the date the corrected documents are submitted.” (emphasis added).

Note that the rule differentiates between deficiencies that are not substantive and deficiencies that otherwise impair or hamper the Commission’s ability to timely review, analyze, or act on the merits of the submission. The deficiencies thus need not be substantive to hamper or impair the Commission, and the Commission has concluded that it is impaired or hampered by the delay in this case, which is within our discretion to determine. Until Staff has formally accepted the case, the Commission cannot issue a suspension order, schedule a prehearing conference, entertain petitions to intervene, or establish a procedural schedule. The Commission is thus requiring the Company to revise the effective date consistent with the instructions in my previous email.

5. Should the Company be considering your email or the March 31 directive as an initial order formally rejecting our filing by the Administrative Hearings Division?

No. I was clear on March 31 that the Commission had not rejected, and did not reject, the Company’s filing. I did misspeak at the conference when I cited WAC [480-07-141\(2\)\(c\)](#) – I was actually referring to (and spoke only about) the second full paragraph in WAC [480-07-141\(2\)](#), related to the Commission’s determination of a filing date, as explained above.

Nor is my earlier email a rejection of the filing. The Company should, however, interpret both my prior email and this email as notification of noncompliance consistent with WAC [480-07-141\(2\)\(b\)](#) establishing a deadline for making corrections.

The corrections are due by close of business on Thursday, April 20, 2023.

Thank you,

Rayne Pearson (she/her)
Administrative Law and Policy Director
[\(360\) 664-1136](tel:(360)664-1136) (Desk)
[\(360\) 480-8022](tel:(360)480-8022) (Cell)

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From: Kumar, Ajay (PacifiCorp) <Ajay.Kumar@pacificorp.com>
Sent: Friday, April 14, 2023 3:31 PM
To: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>; Scarsella, Carla (PacifiCorp) <Carla.Scarsella@pacificorp.com>; Son, Ariel (PacifiCorp) <Ariel.Son@pacificorp.com>; McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>; Callaghan, Nash (UTC) <nash.callaghan@utc.wa.gov>; Paisner, Ann (ATG) <Ann.Paisner@atg.wa.gov>; Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>
Cc: Smith, Ryan (UTC) <ryan.smith@utc.wa.gov>; Howard, Michael (UTC) <michael.howard@utc.wa.gov>
Subject: RE: [INTERNET] UE-230172 PacifiCorp GRC filing

External Email

Judge Pearson,

Thank you for reaching out to us on this issue. However, after reviewing these requests and your email, we have some additional clarifications:

1. You note that WAC [480-07-460\(1\)\(a\)\(iii\)](#) requires that “revised portions must be highlighted”. However, the full rule does state, “[t]he revised portions must be highlighted, in legislative style or other manner that clearly indicates the change from the original submission.” We used the “legislative style” with underlines to indicate additions and strikethroughs to indicate subtractions to identify corrections to the testimony which allows the revisions to be clearly noted. We have never used highlights for revisions because highlights are used to indicate confidential information and we would like to avoid confusion on issues of confidentiality.
2. You additionally note that you would like the revised testimony exhibits refiled in full. The rule noted above does not appear to require refileing in full, and in fact in our previous GRC (UE-191024) and PCORC (UE-210402) we filed errata revisions to filings to correct minor errors without refileing the entire testimony. Is the Administrative Hearings Division now requiring that revision filings be complete refiles of the revised testimony? I also would like to confirm

that your email is requiring a complete refile of the entire initial filing?

3. With regards to Attachment C, it is my understanding that you are requiring a revised Attachment C to the filing with all the changes noted (even though the corrections we have filed are identified in the revised cover-letter)?
4. Are you considering these specific issues identified in your email as substantive issues that are preventing the review under WAC [480-07-141](#)(2)? If so, is the Administrative Hearings Division requesting the Company refile tariff sheets with revised rate effective dates?
5. Should the Company be considering your email or the March 31 directive as an initial order formally rejecting our filing by the Administrative Hearings Division?

We appreciate your guidance on these issues and as we work to address the concerns that you have identified in your email.

Thanks,

Ajay

Ajay Kumar (*he/him*)

Assistant General Counsel, PacifiCorp

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Portland, OR 97232

[\(503\) 813-5161](tel:(503)813-5161) (Office)

[\(503\) 278-2985](tel:(503)278-2985) (Mobile)

From: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>

Sent: Friday, April 14, 2023 11:01 AM

To: Scarsella, Carla (PacifiCorp) <Carla.Scarsella@pacificorp.com>; Kumar, Ajay (PacifiCorp) <Ajay.Kumar@pacificorp.com>; Son, Ariel (PacifiCorp) <Ariel.Son@pacificorp.com>; McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>; Nash Callaghan <nash.callaghan@utc.wa.gov>; Ann Paisner <Ann.Paisner@atg.wa.gov>; Lisa Gafken <lisa.gafken@atg.wa.gov>

Cc: Smith, Ryan (UTC) <ryan.smith@utc.wa.gov>; Howard, Michael (UTC) <michael.howard@utc.wa.gov>

Subject: [INTERNET] UE-230172 PacifiCorp GRC filing

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Good morning,

Several outstanding issues with PacifiCorp's GRC filing remain, as described below. Consistent with the direction I gave the Company at the March 31 filing status conference, PacifiCorp's filing will not be considered received by the Commission until all corrections are made. This means that when the Company makes the corrections below, it will need to include a new issuing date (the date the corrected documents are filed with the Commission) and a new

effective date (at least 30 days from the issuing date).

Please ensure the following corrections are made as soon as possible:

1. The Company submitted incomplete revised testimony and exhibits in its 4/10 supplemental filing. WAC [480-07-460](#)(1)(a)(iii) requires that “revised portions must be highlighted.” The Company is required to re-file the testimony exhibits in full and highlight revised portions.

Below are two examples, but this list is not comprehensive.

- o [230172-PAC-Exh-AEB-1Tr-4-4-23](#)
- o [230172-PAC-Exh-NLK-1Tr-4-4-23](#)

2. In its 3/17 filing, the Company included Attachment C, an index of testimony and exhibits. However, the Company did not provide an updated Attachment C with the revised and supplemental documents. The Company must file a complete index of the Company’s final initial filing.

To summarize, the Company must refile an initial filing that addresses the issues above and includes all testimony, exhibits, and workpapers. Records Center will mark previous document sets to indicate that those filings have been replaced by the Company’s new, complete filing.

As a reminder, it is incumbent upon the Company to ensure its filing is complete and complies with Commission rules. It has now been almost a month since the Company made its first filing in this Docket, which is precisely why the Commission has made a finding that the Company’s actions are impairing our ability to timely process and analyze this case. Accordingly, as I stated on March 31 and reiterated above, the filing will not be considered filed (that is, received by the Commission) until it is correct and complete.

Thank you,

Rayne Pearson (she/her)

Administrative Law and Policy Director

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