

**Docket No. UG-210755 - Vol. II**

**WUTC v. Cascade Natural Gas Corporation**

**March 10, 2022**



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, ) DOCKET No. UG-210755 )
Complainant, )
vs. )
CASCADE NATURAL GAS CORPORATION, )
Respondent.

VIRTUAL STATUS CONFERENCE VOLUME II Pages 25-43

ADMINISTRATIVE LAW JUDGES RAYNE PEARSON AND SAMANTHA DOYLE

Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503

(All participants appeared via videoconference.)

DATE TAKEN: MARCH 10, 2022 REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100

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1 LACEY, WASHINGTON; MARCH 10, 2022
2 9:01 a.m.
3 -oOo-
4 PROCEEDINGS
5
6 JUDGE PEARSON: We'll be on the record.
7 Good morning. We're here today for a status
8 conference in Docket UG-210755, which is captioned
9 Washington Utilities and Transportation Commission v.
10 Cascade Natural Gas Corporation. Today is Thursday,
11 March 10th, 2022, and the time is approximately
12 9:00 a.m.
13 My name is Rayne Pearson. I use she/her
14 pronouns. And with me is Samantha Doyle, who uses
15 she/her or they/them pronouns. We are administrative
16 law judges in the Washington Utilities and
17 Transportation Commission, and we are co-presiding in
18 this matter along with the Commissioners.
19 So let's start by taking appearances, and then
20 we'll address the status of the settlement in principal.
21 Let's begin with Cascade. Please state your
22 name and feel free to provide your pronouns as well.
23 MS. BARNETT: This is -- sorry, you said
24 starting with the Company, correct?
25 JUDGE PEARSON: Correct.

1 MS. BARNETT: Okay. I'm trying to work on  
 2 my video here, sorry.  
 3 Donna Barnett for Cascade. I'm with Perkins  
 4 Coie. And with me is Megan Lin. And I use she/her  
 5 pronouns.  
 6 MS. LIN: As do I.  
 7 JUDGE PEARSON: Thank you so much.  
 8 And for Staff?  
 9 MR. CALLAGHAN: Good morning, Your Honor.  
 10 This is Nash Callaghan, Assistant Attorney General on  
 11 behalf of Commission Staff. My pronouns are he/him.  
 12 Thank you.  
 13 JUDGE PEARSON: Thank you.  
 14 And for Public Counsel?  
 15 MS. PAISNER: Good morning, Judge Pearson.  
 16 This is Ann Paisner, Assistant Attorney General with the  
 17 Public Counsel Unit of the Washington State Attorney  
 18 General's Office, and I use she/her pronouns.  
 19 JUDGE PEARSON: Thank you. Good morning.  
 20 And for AWEC?  
 21 MR. STOKES: Good morning. Chad Stokes for  
 22 the Alliance of Western Energy Consumers with Cable  
 23 Huston Law Firm. I use he/him as well. Thank you.  
 24 JUDGE PEARSON: Thank you.  
 25 And for The Energy Project?

1 MR. STOKES: There are.  
 2 JUDGE PEARSON: I thought that this was an  
 3 all-party proposal.  
 4 MS. BARNETT: No.  
 5 JUDGE PEARSON: Okay. So then with that in  
 6 mind, the parties will definitely not be asking to  
 7 change the hearing date, correct?  
 8 MR. CALLAGHAN: I --  
 9 MS. BARNETT: Yeah.  
 10 MR. CALLAGHAN: Sorry, go ahead, Donna.  
 11 MS. BARNETT: Yeah, I think we have -- we  
 12 haven't filed -- obviously we haven't filed the  
 13 stipulation and the supporting testimony yet, but we  
 14 don't anticipate needing to wait until the original  
 15 hearing date for a settlement hearing.  
 16 So, yeah, we will likely propose a June 1st  
 17 effective date pursuant with the rules and wanting 60  
 18 days from the day of filing for the Commission to review  
 19 that. So that would still allow time, I think, for a  
 20 settlement hearing before that.  
 21 But there's -- I don't think -- any reason to  
 22 wait until June for a settlement hearing in this.  
 23 JUDGE PEARSON: Okay. I wanted to clarify  
 24 that because we are actually not going to be able to  
 25 move the hearing date due to Commissioner's schedules

1 MR. ZAKAI: Good morning. Yochi Zakai with  
 2 Shute Mihaly & Weinberger for The Energy Product, and I  
 3 use he/him pronouns.  
 4 JUDGE PEARSON: Thank you. Okay.  
 5 So we received Staff's motion to suspend the  
 6 procedural schedule and a request for this status  
 7 conference. And before we discuss modifications to the  
 8 procedural schedule, I understand that the parties have  
 9 not been able to come to an agreement; is that correct?  
 10 MS. BARNETT: That's correct, yeah. This is  
 11 Donna Barnett.  
 12 And we haven't done -- just coming up with  
 13 something. So I think that we're open to hearing  
 14 proposals, but we didn't decide on anything.  
 15 JUDGE PEARSON: Okay. Were there points of  
 16 contention between the parties?  
 17 MS. BARNETT: No, we just didn't -- haven't  
 18 nailed down any dates other than -- I'm sorry, go ahead  
 19 Nash -- or Chad.  
 20 MR. STOKES: This is Chad Stokes.  
 21 So we haven't been provided a schedule. So  
 22 there's no -- no draft schedule is presented to the  
 23 non-settling parties at this point.  
 24 JUDGE PEARSON: Okay. Oh, there are  
 25 non-settling parties? Okay.

1 and our other competing priorities. So please keep that  
 2 in mind when we break for you all to discuss  
 3 modifications to the procedural schedule.  
 4 So at this point, then, should we take a break  
 5 so the parties can discuss? Keeping in mind that we  
 6 will be keeping the hearing date.  
 7 MR. STOKES: Sounds good.  
 8 JUDGE PEARSON: All right.  
 9 So I am going to -- we can go ahead and be in  
 10 recess.  
 11 (A recess was taken from 9:06 a.m. to  
 12 9:57 a.m.)  
 13 JUDGE PEARSON: We will be back on the  
 14 record following a brief recess.  
 15 And who would like to speak first?  
 16 MR. CALLAGHAN: Go ahead, Donna.  
 17 MS. BARNETT: No, that's not me.  
 18 MS. PAISNER: That was me.  
 19 MS. BARNETT: Go ahead.  
 20 JUDGE PEARSON: Go ahead, Nash.  
 21 MR. CALLAGHAN: Oh, sorry. Sorry, I'm  
 22 getting some lag.  
 23 So, Your Honor, we've come up with some  
 24 competing proposals. They are actually not that  
 25 different, but we've got a tight schedule and everyone

1 is crunched for time, so every little bit counts. And  
 2 we couldn't agree exactly on the dates.  
 3 But the settling parties are asking for filing  
 4 the settlement and supporting testimony March 24th,  
 5 response testimony April 22nd, and rebuttal and  
 6 cross-answering May 2nd. I let everyone know that the  
 7 deadline from policy's perspective was May 1, but that's  
 8 a Sunday, so we changed it to May 2nd.  
 9 JUDGE PEARSON: Okay. Oh, sorry, go ahead.  
 10 MR. CALLAGHAN: And then the settling  
 11 parties would also prefer to leave the briefings, if we  
 12 need any, after the hearing to just be set at the  
 13 evidentiary hearing.  
 14 JUDGE PEARSON: Okay. Thank you.  
 15 MR. CALLAGHAN: Thank you.  
 16 JUDGE PEARSON: And then would one of the  
 17 other parties like to present the alternative?  
 18 MS. PAISNER: Yes, your Honor. This is Ann  
 19 Paisner with Public Counsel.  
 20 So the non-settling parties have been waiting  
 21 to see the terms sheet for about five weeks now. It's  
 22 been described as fairly simple. While we've been  
 23 discussing what it might be, we have not had a chance to  
 24 see it.  
 25 So we're looking at the schedule, and really

1 MR. CALLAGHAN: Thank you, Your Honor.  
 2 So Staff has just received Cascade's copy. We  
 3 need time to review it and edit it, which, you know, I  
 4 mean, obviously any deadline that the Commission sets  
 5 for us, we will make.  
 6 But I just don't feel comfortable -- given the  
 7 amount of review and back and forth that we may need to  
 8 do, I don't feel comfortable agreeing to anything that  
 9 is shorter than two weeks.  
 10 MS. BARNETT: And Cascade -- I don't think  
 11 we have anything to add to that. We'll work as quickly  
 12 as possible. But, yeah, I think Nash said it well.  
 13 JUDGE PEARSON: Okay. Thank you. All  
 14 right.  
 15 Well, I appreciate both of the parties'  
 16 proposals. I will take it under advisement and issue an  
 17 order before the end of the week with the revised  
 18 procedural schedule.  
 19 Is there anything else that we need to address  
 20 today while we're here?  
 21 MR. STOKES: Your Honor, there's actually  
 22 one more thing.  
 23 So on the schedule, we'd like to propose a date  
 24 to file a notice of intent for intervenor funding in  
 25 case certification on March 18th.

1 one area where it seems like there is some wiggle room  
 2 is where to file -- which date to file the testimony,  
 3 the joint testimony, by the settling parties. So we are  
 4 proposing a March 17th settlement filing -- settlement  
 5 stipulation filing along with the joint testimony.  
 6 And for the opposition or response testimony,  
 7 we would propose April 25th. For rebuttal, May 2nd.  
 8 And following that date, we've been -- we've looked to  
 9 the old schedule that was suspended on February 24th,  
 10 which has a discovery deadline of May 11th, cross  
 11 exhibits witness list, cross-exam estimates on May 25th.  
 12 We also have the Public Comment Hearing that's  
 13 been scheduled for May 25th, I think at 6:00 p.m. And  
 14 then the same June 1st through 2nd hearing dates, a  
 15 posthearing brief of June 21st, and a reply briefing  
 16 date of July 5th. And I sent these dates to all the  
 17 parties and to you just a minute ago.  
 18 JUDGE PEARSON: I appreciate that. Thank  
 19 you.  
 20 MS. PAISNER: You're welcome.  
 21 JUDGE PEARSON: Okay. So I guess I would  
 22 just like to hear from the settling parties about the  
 23 settlement filing date and whether March 17th or  
 24 anything prior to March 24th is workable, and if not,  
 25 why not.

1 JUDGE PEARSON: Okay. Thank you.  
 2 MR. ZAKAI: One more thing, Your Honor.  
 3 JUDGE PEARSON: Sure.  
 4 MR. ZAKAI: This is Yochi Zakai for TEP.  
 5 I just want the record to reflect that TEP,  
 6 AWEC, and Public Counsel are the non-settling parties.  
 7 Thank you.  
 8 JUDGE PEARSON: Thank you for clarifying  
 9 that. Okay.  
 10 Anything else?  
 11 MS. PAISNER: If I may -- this is Ann for  
 12 Public Counsel.  
 13 I'm looking at the WAC 480-07-740 and the first  
 14 subsection. All of these -- you know, to be able to --  
 15 the Commission should be able to consider evidence and  
 16 have there be a developed record in this case.  
 17 And we would just ask -- you know, it sounds  
 18 like the Staff is, you know, just now in receipt of  
 19 something they've been working on for five weeks. So I  
 20 would just -- I'd just like to request that we have  
 21 sufficient time to be able to put together our  
 22 opposition testimony after the date that we are able to  
 23 see it for the first time.  
 24 We still have not seen the terms sheet at this  
 25 point. And it's really important for us to be able to

1 do discovery and put together our opposition testimony  
 2 and also be able to do the briefing afterwards as well.  
 3 So thank you.  
 4 JUDGE PEARSON: Okay. Thank you. All  
 5 right.  
 6 MS. BARNETT: I think it's important to  
 7 correct that it hasn't been five weeks. We settled on  
 8 this on February 18th -- or 17th and notified the  
 9 Commission on February 18th. So it hasn't been five  
 10 weeks.  
 11 MR. STOKES: It will be five weeks based on  
 12 your filing date, and that's based on the --  
 13 MS. BARNETT: Got that. But we haven't been  
 14 sitting on it for five weeks.  
 15 JUDGE PEARSON: Okay. So point of  
 16 clarification, then. It sounds like this is just a  
 17 settlement between Staff and Cascade, correct?  
 18 MS. BARNETT: Correct.  
 19 JUDGE PEARSON: Okay. And the parties --  
 20 the other parties, Public Counsel, AWEC, The Energy  
 21 Project, are you -- you're contesting every piece of the  
 22 settlement? Or you don't know what's been said yet?  
 23 MR. ZAKAI: I have not seen the settlement,  
 24 so I can't say what I support and what I oppose.  
 25 JUDGE PEARSON: Is there any way that Staff

1 three issues we're talking about. And the opposing  
 2 parties are aware of the revenue requirement requested  
 3 as well.  
 4 So I agree with Staff that this should be a  
 5 very simple settlement to review.  
 6 MR. STOKES: But you can't have it both  
 7 ways. If this is so simple and you need all this time  
 8 to prepare, but the filing -- it's been three weeks.  
 9 You need two more. But then we're not -- we need time  
 10 to review it and file a response.  
 11 MR. ZAKAI: I would also like to note that  
 12 under the Commission's rules based on the magnitude of  
 13 the rate changed, this is classified as a general rate  
 14 case.  
 15 JUDGE PEARSON: It is.  
 16 MS. BARNETT: Correct. That's why we asked  
 17 for 60 days from the effective date for the date of  
 18 filing.  
 19 MS. PAISNER: If I may, Judge Pearson, the  
 20 information we have is very minimal and it hasn't been  
 21 confirmed. We have not seen a terms sheet. So we're  
 22 left to make assumptions and are told that, you know, we  
 23 know what's going on.  
 24 We were also told that a proposed schedule was  
 25 in the works, otherwise we would have taken steps to do

1 and Cascade could at least provide a list of issues to  
 2 the parties? I think in the interest of due process,  
 3 the sooner that you do that the better, even if the  
 4 settlement is not ready to be filed yet.  
 5 MR. CALLAGHAN: Your Honor, we can do that.  
 6 But I would say through the course of settlement  
 7 conferences, that the other parties -- they don't know  
 8 the exact details, but they're well aware of what the  
 9 issues were in this case.  
 10 And so if you would like us to do that, we can.  
 11 But there aren't going to be any surprises in this  
 12 stipulation and supporting testimony.  
 13 MR. STOKES: I don't think that's fair  
 14 because just yesterday, we learned about an early  
 15 implementation date. So that's something we didn't  
 16 know, and that was a surprise.  
 17 MS. BARNETT: I forwarded you that. Chad, I  
 18 forwarded you that in writing before yesterday, so --  
 19 MR. STOKES: The early date?  
 20 MS. BARNETT: Yeah, so --  
 21 MR. STOKES: Okay.  
 22 MS. BARNETT: But I will say --  
 23 MR. STOKES: I don't recall seeing that.  
 24 MS. BARNETT: This was a limited issue  
 25 filing in the first place, so there are really only

1 it ourselves if we knew that we were going to be in this  
 2 position. So it's a little hard to be told to just  
 3 trust, you know, what was exchanged in a verbal  
 4 conversation where there's no record.  
 5 So we still do not have -- I mean, what counsel  
 6 for Cascade has said, the June 1st date, we heard they  
 7 were going to propose that. But that's all we have in  
 8 an e-mail. But we also have an e-mail saying they were  
 9 going to request the suspension of the schedule.  
 10 So I would just like to ask that the Commission  
 11 consider, you know, the rules, the WAC 480-07-740  
 12 Subsection 1, so that we can consider developing a full  
 13 record in this case. Thank you.  
 14 JUDGE PEARSON: Okay. Thank you.  
 15 I do just want to note for the record that the  
 16 60-day review period would not have been logistically  
 17 possible in this situation because the settlement was  
 18 contested, and there would have to be time to file  
 19 response, rebuttal, and cross-answer, and have a hearing  
 20 and do briefing, and that's impossible in 60 days.  
 21 So just for the parties to keep in mind for the  
 22 future. But I do appreciate the additional information.  
 23 It's been very helpful. It helps me understand where  
 24 the parties are and what their needs are. So I will  
 25 take that all into consideration.

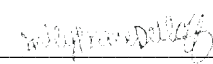
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1 And if there's nothing else -- just one last  
 2 chance, anyone has one last thing?  
 3 MR. ZAKAI: Your Honor, one thing I don't  
 4 think we discussed -- does there need to be a discovery  
 5 timeline in the revised procedural schedule?  
 6 JUDGE PEARSON: Let's see.  
 7 Was that in yours, Public Counsel? Let me see.  
 8 MS. PAISNER: I did not forward that.  
 9 We would request a five-day turnaround, which I  
 10 believe is what we were -- what the original suspended  
 11 schedule had.  
 12 JUDGE PEARSON: Okay. So you would maintain  
 13 the same?  
 14 MS. PAISNER: The five-day business day  
 15 turnaround.  
 16 JUDGE PEARSON: Okay. Do other parties have  
 17 different positions on that? Or is everyone comfortable  
 18 with the five-day turnaround?  
 19 MS. BARNETT: Cascade has no problem with  
 20 that.  
 21 MR. CALLAGHAN: Neither does Staff, Your  
 22 Honor.  
 23 JUDGE PEARSON: Okay, great. Thank you.  
 24 All right.  
 25 Last, last call. Okay.

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1 Hearing nothing, thank you all so much for  
 2 coming today. And, again, I will issue an order before  
 3 the end of the week.  
 4 And we are adjourned. Thank you.  
 5 (Proceedings adjourned at 10:10 a.m.)  
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1 CERTIFICATE  
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 3 STATE OF WASHINGTON  
 4 COUNTY OF KING  
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 6 I, Rose Detloff, a Certified Court Reporter in  
 7 and for the State of Washington, do hereby certify that  
 8 the foregoing transcript is true and accurate to the  
 9 best of my knowledge, skill and ability.  
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 15 ROSE DETLOFF, RPR, CCR #21036100  
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 17 My commission expires:  
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