

0001

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
4)
Complainant,) DOCKET NO. PG-030080
5)
vs.) Volume I
6) Pages 1 - 9
PUGET SOUND ENERGY, INC,)
7)
Respondent.)

8 -----

9

10 A prehearing conference in the above matter
11 was held on November 10, 2004, at 1:36 p.m., at 1300
12 South Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge C. ROBERT
14 WALLIS.

15

16 The parties were present as follows:

17 WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION, by DONALD T. TROTTER, Assistant Attorney
18 General, 1400 South Evergreen Park Drive Southwest,
Post Office Box 40128, Olympia, Washington 98504;
19 telephone, (360) 664-1189.

20 PUGET SOUND ENERGY, INC., by SHEREE STROM
CARSON (via bridge), Attorney at Law, Perkins Coie,
21 10885 Northeast Fourth Street, Suite 700, Bellevue,
Washington 98004; telephone, (425) 635-1400.

22

23

24 Kathryn T. Wilson, CCR

25 Court Reporter

0002

1 P R O C E E D I N G S

2 JUDGE WALLIS: This prehearing conference
3 will please come to order. This is a conference in
4 Commission Docket No. PG-030080, which is a complaint
5 by the Commission against Puget Sound Energy regarding
6 compliance in the operation of a gas pipeline. This
7 conference is being held at Olympia, Washington, on
8 November 10, year 2004, before Administrative Law Judge
9 C. Robert Wallis. Let's take appearances at this time,
10 please, beginning with the Commission staff
11 representing the Complainant.

12 MR. TROTTER: Thank you, Your Honor. My name
13 is Donald T. Trotter. I'm an assistant attorney
14 general representing the Commission in this matter. My
15 address is 1400 South Evergreen Park Drive Southwest,
16 PO Box 40128, Olympia, Washington, 98504-0128. My
17 phone number is (360) 664-1189. My fax number is
18 (360) 586-5522, and my e-mail address is
19 dtrotter@wutc.wa.gov.

20 JUDGE WALLIS: Thank you. For the
21 Respondent, the Company, Ms. Carson?

22 MS. CARSON: Good afternoon, Your Honor.
23 This is Sheree Strom Carson. I represent Puget Sound
24 Energy. I'm an attorney with Perkins Coie. My address
25 is 10885 Northeast Fourth Street, Suite 700, Bellevue,

0003

1 Washington, 98004-5579. My phone is (425) 635-1422.
2 My fax is (425) 635-2422, and my e-mail address is
3 scarson@perkinscoie.com.

4 JUDGE WALLIS: Let me ask at this time if
5 there is any person in the hearing room that desires to
6 participate in this docket as the representative of a
7 party or petitioner for intervention? Let the record
8 show there is no response.

9 Let me also make that inquiry of any person
10 on the bridge line who is seeking to participate as the
11 representative of a party or petitioner for
12 intervention. Let the record show there is no
13 response.

14 Among the matters we want to address today
15 are procedural issues, such as whether the parties wish
16 to have the discovery rule invoked for purposes of this
17 proceeding.

18 MR. TROTTER: This is Donald T. Trotter for
19 Staff. The Staff would ask that the Commission invoke
20 the rule. We believe that this matter may be
21 precedential, and I believe it would be an efficient
22 way to conduct the processing of exchange of
23 information between the parties.

24 JUDGE WALLIS: Ms. Carson, do you have any
25 objection to that?

0004

1 MS. CARSON: We have no objection.

2 JUDGE WALLIS: Very well. The conference
3 order will invoke the discovery rule. Is there any
4 need that the parties see for a protective order in
5 this docket?

6 MS. CARSON: Your Honor, this is Sheree
7 Carson. At this time, we don't anticipate the need for
8 a protective order. However, we would like to reserve
9 the right, if at some point in time documents that are
10 proprietary or confidential are requested, to bring a
11 motion or stipulate to a protective order.

12 JUDGE WALLIS: Mr. Trotter?

13 MR. TROTTER: That is acceptable to Staff.

14 JUDGE WALLIS: Very well. The prehearing
15 order will so provide. Do the parties have any issues
16 that you would like to address at this point in the
17 conference?

18 MR. TROTTER: This is Donald T. Trotter for
19 Commission staff. The one issue I would like to raise
20 at this point, we handed up to you the joint schedule
21 proposal, and one of the items there was settlement
22 sessions in December with a settlement ALJ, and what,
23 at least -- I believe the Company can speak for itself,
24 but from Staff's perspective, this wasn't a joint
25 request, and we would ask that a representative from

0005

1 the administrative law division at the Commission be
2 assigned to assist the parties.

3 There have been ongoing settlement
4 discussions for some time, and it's my understanding
5 that substantial progress has been made, and so we are
6 hopeful that this might be good use of everyone's time,
7 but we thought that bringing some more formality to the
8 process through the use of the administrative law
9 division might be what is needed to see if the case can
10 be resolved on that basis.

11 JUDGE WALLIS: Ms. Carson, do you agree with
12 those comments?

13 MS. CARSON: Yes, we do.

14 JUDGE WALLIS: We are all ever so fortunate
15 because one of our exquisitely capable administrative
16 law judges recently completed a course at the National
17 Judicial College on settlements, has been trained in
18 mediation and has engaged in mediation. So if that
19 person is available, we will schedule such a session.
20 Do you have any preference in terms of the general time
21 frame, other than December, so that we can put that on
22 the calendar?

23 MR. TROTTER: Well, I think what we had
24 anticipated, we talked about some dates in the first
25 week of December, I believe, starting on the 6th or

0006

1 5th, that week, as one option, and the 20th or 21st as
2 the other option, and those dates, one may be
3 preferable to the other depending on how much progress
4 we make in the mean time. We may need focus of
5 mediation on one issue, for example, and if that is the
6 case, one day is preferred. If it's all issues, then
7 the later date would be preferred.

8 So other than December -- as you can see, the
9 schedule calls for Staff to distribute its direct case
10 at the end of January, so if we are talking time after
11 December, then that may be problematic with respect to
12 to the schedule. Of course, the schedule isn't cast in
13 stone necessarily, but that's the only practical
14 impediment there.

15 JUDGE WALLIS: Would it be acceptable to the
16 parties to schedule one day during the first week in
17 December and the 20th and 22nd with the understanding
18 that the first date could be used for one or more
19 issues if the parties are ready and wish to proceed,
20 and otherwise, that could be canceled?

21 MS. CARSON: Your Honor, this is Sheree
22 Carson. I think that would be acceptable. I believe
23 the dates that Mr. Trotter and I talked about were
24 December 7th and 8th and then December 20th and 21st.
25 I think the concern about the early dates was that

0007

1 there are still technical issues to deal with. Some of
2 Staff's technical people aren't available those early
3 dates.

4 MR. TROTTER: I think that's a fair
5 statement, except for the 7th and 8th that she
6 mentioned. We may have decided on that earlier, but I
7 learned today the 7th is not going to be available for
8 our key staff people, but the 8th and 9th, I believe,
9 would be. I think 8th, 9th, or 10th, recognizing there
10 is another prehearing conference involving Puget on the
11 9th, but given that's probably not going to last an
12 extended period of time, but the 8th, 9th and 10 are
13 the dates that are now available based on our most
14 recent information.

15 JUDGE WALLIS: Ms. Carson, do you have a
16 preference?

17 MS. CARSON: December 8th and 9th look like
18 they do work for Puget Sound Energy.

19 JUDGE WALLIS: Very well. We will so note.
20 As we have indicated, Mr. Trotter has distributed a
21 proposed schedule that sets January 24 as the last date
22 to file a settlement agreement, the 31st as the filing
23 date for Staff's direct written case, March 28th the
24 date for PSE's filing of its responsive case, May 4 the
25 date for filing of the Staff rebuttal case, hearings

0008

1 during the week of June 6th, initial briefs on June 28,
2 and answering briefs on July 15th.

3 Is that schedule generally acceptable to the
4 parties?

5 MR. TROTTER: Yes, Your Honor.

6 MS. CARSON: Yes, Your Honor.

7 JUDGE WALLIS: I will inquire into resource
8 availability for the hearing on June 6th. How long do
9 parties expect that the hearing would last?

10 MR. TROTTER: This is Donald T. Trotter. I
11 would say two days is probably a fair estimate and a
12 very rough estimate at this point.

13 JUDGE WALLIS: Ms. Carson?

14 MS. CARSON: Yes, Your Honor. I would
15 estimate three to four days.

16 JUDGE WALLIS: Very well. We will see what
17 resource availability looks like, and we will make the
18 determination and include a notice of hearing for
19 whatever dates resources are available in the
20 prehearing order.

21 That completes my list of topics to be
22 addressed today. Are there any other topics that the
23 parties would like to address?

24 MR. TROTTER: I do not have any additional
25 topics.

0009

1 JUDGE WALLIS: Ms. Carson?

2 MS. CARSON: No, I have no additional topics.

3 JUDGE WALLIS: There being nothing further,
4 this conference is adjourned.

5 (Prehearing conference concluded at 1:49 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25