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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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3 WASHINGTON UTILITIES AND)
4 TRANSPORTATION COMMISSION,) DOCKET NO. UE-960299
5)
6 Complainant,) VOLUME 2
7) Pages 50 - 58
8 vs.)
9)
10 PUGET SOUND POWER & LIGHT)
11 COMPANY,)
12 Respondent.)
13 -----)
14)

15 A pre-hearing conference in the above
16 matter was held on April 30, 1996 at 11:30 a.m. at
17 1300 South Evergreen Park Drive Southwest before
18 Administrative Law Judges MARJORIE SCHAER and JOHN
19 PRUSIA.

20 The parties were present as follows:

21 PUGET SOUND POWER & LIGHT COMPANY, by JAMES
22 M. VAN NOSTRAND, Attorney at Law, 411 - 108th Avenue
23 Northeast, Bellevue, Washington 98004.

24 WASHINGTON UTILITIES AND TRANSPORTATION
25 COMMISSION STAFF, by SALLY G. JOHNSTON, Assistant
26 Attorney General, 1400 South Evergreen Park Drive
27 Southwest, Olympia, Washington 98504.

28 FOR THE PUBLIC, ROBERT F. MANIFOLD,
29 Assistant Attorney General, 900 Fourth Avenue, Suite
30 2000, Seattle, Washington 98164.

31 ICNU, by CLYDE MACIVER, Attorney at Law,
32 4400 Two Union Square, 601 Union Street, Seattle,
33 Washington 98101.

34 Cheryl Macdonald, CSR
35 Court Reporter

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APPEARANCES (Cont.)

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MATSUSHITA SEMICONDUCTOR, by ROBERT G.
FRISBIE, Facilities Director, 1111 39th Avenue
Southeast, Puyallup, Washington 98374.

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KING COUNTY, by TERESE RICHMOND, Senior
Deputy Prosecuting Attorney, 701 Fifth Avenue,
Seattle, Washington 98104.

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

2 JUDGE SCHAER: The hearing will come to
3 order. This is a hearing in docket No. UE-960299
4 which is a filing by Puget Sound Power and Light
5 Company seeking approval of a special contract to
6 provide electric service to Intel Corporation. This
7 is a continuation of a pre-hearing conference that was
8 held on April 24, 1996 in Olympia, Washington. The
9 hearing is being held before administrative law judges
10 Marjorie R. Schaer and John Prusia. Let's begin by
11 taking appearances starting with the appearance of the
12 company, please.

13 MR. VAN NOSTRAND: On behalf of Puget Sound
14 Power and Light Company, James M. Van Nostrand.

15 JUDGE SCHAER: Commission staff, please.

16 MS. JOHNSTON: Sally G. Johnston, assistant
17 attorney general.

18 JUDGE SCHAER: Public counsel.

19 MR. MANIFOLD: Robert F. Manifold,
20 assistant attorney general, in person today.

21 JUDGE SCHAER: Intervenors, Mr. MacIver.

22 MR. MACIVER: Yes, Mr. Clyde MacIver.
23 Attorney for ICNU.

24 JUDGE SCHAER: And Ms. Richmond.

25 MS. RICHMOND: Terese Richmond, here for

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1 King County.

2 JUDGE SCHAER: I have received an
3 additional petition for intervention in this matter
4 from Richard A. Finnigan on behalf of Matsushita
5 Semiconductor of America, Inc., and he's unable to be
6 here today, but has a representative of his client
7 here. Since you have not appeared before, Mr.
8 Frisbie, I am going to ask you to make an appearance
9 which means that you give us your name, your business
10 address and including your zip code to the court
11 reporter, please.

12 MS. FRISBIE: Robert J. Frisbie, facilities
13 director of Matsushita Semiconductor. 1111 39th
14 Avenue Southeast, Puyallup, Washington 98374.

15 JUDGE SCHAER: Have all parties received
16 copies of the petition of Matsushita Semiconductor?.

17 MR. MANIFOLD: I haven't but I would like
18 to have one later and that's okay.

19 MR. FRISBIE: (Nodding head).

20 JUDGE SCHAER: I should indicate to the
21 parties that it was represented to me by Mr. Finnigan
22 that he had mailed or faxed copies to all counsel
23 yesterday, so I believe you probably will have one
24 waiting for you back at your office.

25 MR. MANIFOLD: Great.

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1 JUDGE SCHAER: Let's take a moment for any
2 counsel who wishes to look at the petition. Mr.
3 MacIver, do you have a copy?

4 MR. MACIVER: I do.

5 JUDGE SCHAER: Mr. Frisbie, do you have
6 anything to do add to the petition at this point?

7 MR. FRISBIE: I don't. I think the
8 petition and the letter that's attached is
9 self-explanatory.

10 JUDGE SCHAER: Is there any objection to
11 the intervention by Matsushita Semiconductor of
12 America, Inc.?

13 MS. JOHNSTON: No objection.

14 MR. VAN NOSTRAND: No objection.

15 JUDGE SCHAER: Hearing none their
16 intervention is granted. Next topic that I would like
17 to take up this morning is scheduling, and at this
18 point I would suggest that we go off the record to
19 discuss scheduling among the parties and then we will
20 come back on the record to recite what happened off
21 the record. We're off the record.

22 (Discussion off the record.)

23 JUDGE SCHAER: Let's go back on the record.
24 While we were off the record we had a discussion of
25 scheduling, and as part of that discussion we had a

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1 discussion of discovery. What the parties have
2 determined would be a good way to proceed in this
3 matter is to continue or to schedule another
4 pre-hearing conference for June 17 and to work between
5 now and June 17 to attempt to produce an agreed
6 statement of facts or at least agreed statement of as
7 many facts as can be agreed upon, and to narrow the
8 issues and define the issues with those facts so that
9 we have a more focused proceeding going forward from
10 that point, and at that point we will discuss whether
11 there is a need for -- what kind of hearings there
12 will be a need for that. We've already determined
13 that there will be a public hearing in this procedure,
14 but we will need to see if there's going to need to be
15 a cross-examination hearing of any of the testimony or
16 if all facts have been agreed to, and pursuing the
17 agreed statement of facts and trying -- undertaking
18 discovery there was discussion about how the parties
19 would obtain information from Intel.

20 Mr. Van Nostrand reported back that he had
21 contacted the company and the company would prefer
22 that contacts come through Puget and the company will
23 respond to data requests that are channeled to them
24 through Puget and those responses will indicate the
25 name of the person preparing a response. Parties have

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1 not yet determined whether whether beyond that there
2 will be depositions of Intel witnesses or an Intel
3 witness produced at a hearing but will pursue getting
4 the facts that they need in an agreeable form, and if
5 they need to pursue depositions or calling a witness
6 will bring that issue back before the Commission for
7 appropriate action if needed.

8 There was some discussion with Mr. MacIver
9 of his client's position in this matter, and it was
10 revealed that Intel is a member of the association
11 represented by Mr. MacIver. And, Mr. MacIver, that
12 triggered in my mind a commitment made to me at the
13 pre-hearing conference last Wednesday by Mr. Hackett
14 that he would immediately following the hearing mail
15 to parties a list of your association's members
16 showing on the list which ones are customers of Puget,
17 and I would ask you to follow up with him on that if
18 you would.

19 MR. MACIVER: He, by the way, Your Honor,
20 is sick with chicken pox unfortunately, so he got
21 waylaid right after that hearing.

22 JUDGE SCHAER: We'll give him a chicken pox
23 waiver and give you another week to get that
24 information in to us.

25 MR. VAN NOSTRAND: Your Honor, I did get a

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1 copy of that and it indicates that it was April 25 was
2 when it was sent by Mr. Hackett. I received it on --

3 MR. MACIVER: He sent it out then.

4 JUDGE SCHAER: Thank you, Mr. Van Nostrand.
5 He is indicating that that was sent out so I will
6 suspect that it will be -- (inaudible) thank him for
7 me.

8 Is there anything else that we discussed
9 while we were off the record that any party wished to
10 have in the record at this time?

11 MS. JOHNSTON: What time will we be
12 reconvening?

13 JUDGE SCHAER: We will be convening another
14 pre-hearing conference on June 17, 1996 at 9:30 in the
15 morning. Our hope is that we'll be doing that in the
16 Commission's hearing room, but I am not able to check
17 on that availability at this point, so a notice of
18 hearing will issue and will contain that information.
19 Are there any more discovery issues that we need to
20 discuss at this time?

21 MS. JOHNSTON: I don't believe so, Your
22 Honor.

23 JUDGE SCHAER: Let me indicate to the
24 parties that the discovery rule has been triggered in
25 this proceeding, that even absent a discovery rule

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1 there is a subpoena process available under Commission
2 rules. If the parties are having problems obtaining
3 needed information in this dispute Judge Prusia or I
4 are available on short notice. We can set up phone
5 hearings, conference, whatever we need to do to
6 resolve those so that you can move forward in reaching
7 hopefully an agreed statement of facts and a statement
8 of narrowed issues.

9 Is there anything further to come before us
10 this morning? Hearing nothing we will stand adjourned
11 until the next pre-hearing conference on June 17.

12 Thank you all. We're off the record.

13 (Hearing adjourned at 11:55 a.m.)

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