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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 WASHINGTON UTILITIES AND,) DOCKET UG-190210

TRANSPORTATION COMMISSION)

5 )

Complainant, )

6 )

vs. )

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CASCADE NATURAL GAS )

8 CORPORATION, )

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Respondent. )

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SETTLEMENT HEARING, VOLUME III

12

Pages 20-42

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CHAIRMAN DANNER, COMMISSIONER RENDAHL,

14 COMMISSIONER BALASBAS, JUDGE PEARSON

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16 November 5, 2019

17 9:04 a.m.

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Washington Utilities and Transportation Commission

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1 LACEY, WASHINGTON; NOVEMBER 5, 2019

2 9:04 A.M.

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

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6 JUDGE PEARSON: Let's get started. Good

7 morning. Today is Tuesday, November 5th, 2019, at 9:04

8 a.m., and we're here today for a settlement hearing in

9 Docket UG-190210, which is captioned Washington

10 Utilities and Transportation Commission versus Cascade

11 Natural Gas Corporation.

12 My name is Rayne Pearson. I'm an

13 administrative law judge with the Commission, and I am

14 joined today by Chair Dave Danner, Commissioner Ann

15 Rendahl, and Commissioner Jay Balasbas.

16 So let's begin by taking short form

17 appearances from the parties beginning with the Company

18 and then we'll go around the room.

19 MS. PEASE: Jocelyn Pease with McDowell

20 Rackner Gibson for Cascade Natural Gas.

21 MR. STOKES: Chad Stokes with the Cable

22 Huston law firm for the Alliance of Western Energy

23 Consumers.

24 MR. FFITCH: Simon ffitch, Attorney,

25 appearing on behalf of The Energy Project.

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1 MS. GAFKEN: Lisa Gafken, Assistant Attorney

2 General, appearing on behalf of Public Counsel.

3 MR. ROBERSON: Jeff Roberson, AAG, appearing

4 on behalf of Commission Staff.

5 JUDGE PEARSON: Okay. Thank you.

6 For the record, I will ask the parties if

7 they're willing to stipulate to the admission of all of

8 the prefiled exhibits and testimony up to and including

9 the settlement testimony and exhibits.

10 MR. ROBERSON: Staff has no objection.

11 MS. GAFKEN: Public Counsel stipulates.

12 MR. FFITCH: Energy Project stipulates, Your

13 Honor.

14 MR. STOKES: AWEC has no -- no objection.

15 MS. PEASE: And Cascade stipulates to the

16 admission.

17 JUDGE PEARSON: Okay. Thank you. Then all

18 prefiled exhibits are admitted, and I will provide a

19 copy of the exhibit list to the court reporter so it can

20 be made part of the record.

21 (All prefiled exhibits admitted.)

22 So I understand that Mr. Roberson will be

23 making an opening statement on behalf of all parties.

24 So, Mr. Roberson, I'll turn it over to you.

25 MR. ROBERSON: Good morning, Judge Pearson,

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1 Commissioners. Before you this morning is the

2 settlement, which resolves all issues in Cascade's 2019

3 general rate case filing. Per WAC 40-07-700, the

4 Commission supports the parties' informal efforts to

5 resolve disputes. Per WAC 480-07-740, the Commission

6 will approve the settlement if the terms are lawful and

7 in the public interest.

8 The parties before you today ask you to make

9 a finding that the settlement before you is in the

10 public interest and its terms are lawful based on the

11 record before you, which as Judge Pearson just

12 mentioned, consists of the testimony submitted with

13 Cascade's general rate case filing, the joint testimony

14 submitted in support of the settlement, which includes

15 the separate statements of every party, and the

16 testimony that you will hear from Mr. Parvinen,

17 Ms. Erdahl, Ms. Laycock, Mr. Collins, and Mr. Mullins,

18 who I believe is on the phone today.

19 Before turning to the terms of the

20 settlement, a few words about what's not in it. As

21 Ms. Kivisto makes clear in the early part of her

22 testimony, this is the third rate case Cascade has filed

23 since 2015. This settlement really builds on those

24 earlier -- the settlements that resolved those earlier

25 rate cases wherein the Commission approved a decoupling

0029

1 mechanism, it approved a method for weather

2 normalization, it dealt with cost of service by

3 requiring the Company to conduct a load study to measure

4 the usage of its core classes, it addressed rate spread

5 by requiring any change in Cascade's revenue requirement

6 be spread on an equal percent of margin basis except for

7 special contracts.

8 Until Cascade completes that load study, the

9 Commission also addressed rate design. In essence, it

10 froze Cascade's rates, the basic charges, until the

11 completion of that load study. It also, I think in the

12 last rate case, dealt with the allocation of cost

13 between shareholders and ratepayers concerning Cascade's

14 validation of its distribution system.

15 There are other mechanisms that were put in

16 place outside rate cases. For example, I believe it's

17 Mr. Myhrum and Mr. Parvinen's testimony discuss the cost

18 recovery mechanism, which allows Cascade to recover

19 fairly expeditiously its investment in making its system

20 safe.

21 All of that is not on the table in this rate

22 case because it's already been dealt with. So really

23 this rate case concerns largely Cascade's change of

24 revenue requirement. Ms. Kivisto makes clear that

25 that's basically what drove this rate case is

0030

1 changing -- changing operating expenses and investment

2 in the utility and its property for public service.

3 So with that in mind, turning to the terms

4 of the settlement. The settlement provides for a $6.5

5 million increase to Cascade's revenue requirement. It

6 specifies all the elements of the rate of return, so the

7 capital structure is specified at 49.1 percent equity,

8 50.9 percent debt. Cascade's cost of debt is specified

9 at 5.155 percent. Cascade's return on equity is

10 specified at 9.4 percent. I believe that leads to an

11 overall rate of return to 7.24 percent. I'm pretty sure

12 that's right, but go with whatever's written down.

13 There are other miscellaneous terms. The

14 change in revenue requirement is spread per what I just

15 discussed, which is the terms of the Commission's order

16 in the last rate case, which is equal percentage of

17 margin basis except for special contracts. And the

18 final settlement term is that Cascade will continue to

19 comply with the conservation targets that it agreed to

20 in its -- the settlement of its 2015 rate case.

21 As mentioned before, the Commission will

22 approve rates when they're lawful and in the public

23 interest. In terms of lawfulness, the rates must be

24 fair, just, reasonable, and sufficient and free of

25 defects such as unreasonable preference or prejudice to

0031

1 certain classes of ratepayers. In terms of whether or

2 not rates are fair, sufficient, and in the public

3 interest, the Commission balances the interest of

4 Cascade with the interest of its ratepayers.

5 Here you should note that this is an

6 all-party settlement, which means Cascade has affirmed

7 that the settlement appropriately takes into account its

8 interest in recovering its expenses and allowing it to

9 earn a reasonable rate of return on its investment and

10 property dedicated to public service.

11 And Cascade's ratepayers are represented by

12 residential ratepayers, Public Counsel's on board with

13 the settlement, small business as well, Public Counsel.

14 Cascade's low income customers are represented by The

15 Energy Project, Cascade's industrial customers are

16 represented by AWEC. The representatives from all those

17 parties have signed onto the settlement.

18 From that, you can tell that it balances

19 Cascade's customers' interest and reasonable rates for

20 the services they receive. Commission Staff, which has

21 no ratepayer constituency but which exist to make sure

22 that the Commission assesses rates that are fair, just,

23 reasonable, and sufficient, is also signatory to the

24 settlement.

25 So with that in mind, I will turn the

0032

1 proceeding over to the witnesses for questions unless

2 you have questions for me.

3 JUDGE PEARSON: Okay. Any questions for

4 counsel before we bring the witnesses up?

5 Okay. So let's bring the witnesses forward

6 to this table in front, and I will swear them in and

7 make them available for questions from the

8 Commissioners. Just if -- counsel, if you want to take

9 seats behind the witnesses for now.

10 And, Mr. Mullins, are you on the line?

11 MR. MULLINS: I am on the line. Can you

12 hear me?

13 JUDGE PEARSON: We can hear you loud and

14 clear. Thank you.

15 MR. MULLINS: Great. Thank you.

16 JUDGE PEARSON: Mr. Parvinen, if you want to

17 grab that other microphone.

18 Okay. So I will have you all please stand

19 and raise your right hand.

20 Mr. Mullins, that goes for you too.

21 I will swear you all in together.

22 (Witness panel sworn.)

23 JUDGE PEARSON: Okay. You may be seated.

24 Okay. So please introduce yourselves for

25 the record and identify who you're representing. We'll

0033

1 start with Mr. Parvinen followed by Ms. Erdahl,

2 Mr. Collins, and Ms. Laycock.

3 And then, Mr. Mullins, you can go last.

4 MR. PARVINEN: Sorry about that. Playing

5 with the microphones. I missed the instructions. What

6 did you want me to do?

7 JUDGE PEARSON: If you could just identify

8 yourselves and who -- who you represent.

9 MR. PARVINEN: All right. Michael Parvinen,

10 representing Cascade Natural Gas.

11 MS. ERDAHL: Betty Erdahl, Commission Staff.

12 MR. COLLINS: Shawn Collins, director of The

13 Energy Project.

14 MS. LAYCOCK: Sarah Laycock with Public

15 Counsel.

16 MR. MULLINS: And Brad Mullins with the

17 Alliance of Western Energy Consumers.

18 JUDGE PEARSON: Okay. Thank you.

19 So we, at this point, will open it up to

20 questions from the Commissioners.

21 COMMISSIONER RENDAHL: Okay. I guess I'll

22 start. So this question is for -- for all the parties.

23 And after listening to Mr. Roberson's opening statement,

24 my concern is, while I appreciate all the parties that

25 have come in for an all-party settlement, and I think

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1 that's great that you've all been able to resolve your

2 issues, but it is a complete black box settlement in

3 many ways. And one of the issues that Cascade brought

4 forward in their case was the concern about being able

5 to sufficiently recover the investment and property and

6 reduce the lag, the regulatory lag, but we don't have

7 any idea of how much investment actually the parties

8 have agreed to. We expect the Company to come back to

9 us with a rate case soon.

10 How do we know, while you all may know, how

11 do we know how much of that investment and property is

12 in rate base so that we can assess going forward, if

13 there is no settlement in the future, where we are,

14 what's our baseline? And so that's just a question I

15 have for you. I know you can't reveal what's -- what's

16 in the settle- -- what you settled, but just to note

17 that it's an issue. So how do we deal with that going

18 forward?

19 MR. PARVINEN: This is Mike Parvinen. I

20 guess I -- I'll -- I'll start off with one of the things

21 that -- one of the agreed upon items in the settlement

22 is that -- that -- that we're really not authorizing any

23 sort of rate base in this proceeding. So typically when

24 you have a rate case, one of the things you do is

25 authorize a level of -- of rate base where you start

0035

1 with what was approved from the previous rate case and

2 then examine everything that was added since that --

3 since that time.

4 Part of this settlement included actually

5 not authorizing -- not authorizing anything for rate

6 base. So when we go into our next rate case, we'll

7 actually be going back to the rate base from the

8 previous case. So no rate base is considered either in

9 or out from what we had -- had filed. So it makes our

10 jobs a little bit more expanded for the next rate case.

11 COMMISSIONER RENDAHL: Thank you. That

12 helps, but I'm curious to hear if anybody has a

13 different story.

14 MS. ERDAHL: This is Betty Erdahl from

15 Staff. I would echo Mike Parvinen's comments, but also

16 add we included language and agreed that we would look

17 at prudence and take a look at the plan that's put in

18 rate base investment in the next rate case. So we're

19 leaving the door open so that we can see if we believe

20 that that's reasonable and audit it in the next rate

21 case. And there's many ways to get to a level of

22 planned and get to the 6.5 million, so we truly differ

23 in that respect, but just agree to the revenue

24 requirement of 6.5 million.

25 COMMISSIONER RENDAHL: Thank you.

0036

1 Anybody has anything to add, go forward,

2 otherwise my colleagues have a question.

3 CHAIRMAN DANNER: All right. Thank you.

4 Good morning. My question is for Mr. Parvinen. In

5 Ms. Kivisto's testimony, in her direct testimony on page

6 7, she mentioned that -- the question was, does the

7 Company believe the regulatory outcomes from Washington

8 influence the recent downgrade of the Company stock.

9 And in there, she quoted Fitch as saying that the

10 Company has a challenging regulatory environment. And

11 of course since we're the regulators, we're concerned

12 about a statement like that if we have a challenging

13 regulatory environment.

14 I actually looked at the Fitch report.

15 First, I would note that because our last rate case

16 settled, this rate case is a proposal to settle, the

17 MAOP penalty was settled, how do you know what the

18 challenging regulatory environment is and is it --

19 should we be approving settlements or should we actually

20 mitigate a case so that you can find out what the

21 regulatory environment really is? I mean, is Fitch --

22 is Fitch concerned about cases settling or is there

23 another issue that they have with the regulatory

24 environment in Washington?

25 MR. PARVINEN: That's a tough question.

0037

1 Yeah, it's -- it's hard to -- it's hard to gauge how

2 Fitch views the regulatory regime. Yes, I would agree

3 that, with being the settlement is particularly the

4 black box settlements, that -- that that does make it --

5 make things a little more -- more difficult when all the

6 parties agree that the -- that the outcomes are fair,

7 just, reasonable, and sufficient.

8 I think particularly concerning on the last

9 rate case in particular was -- was it -- it became more

10 of a convoluted rate case because of tax reform too and

11 how that impacted the final outcome. So the final

12 outcome looks substantially different than what was --

13 was originally filed, tax reform in the middle so...

14 CHAIRMAN DANNER: But the tax -- I mean, the

15 tax issue, though, is not present in this case. And so

16 the fact that this is included in the testimony in this

17 case, I'm trying to figure out what the link to this

18 case is. I mean, there's a challenging regulatory

19 environment, take the taxes aside, I assume there's

20 still -- because this is in the testimony, there's still

21 a challenging regulatory environment. I noticed that

22 they talked about the 94 being low average with the ROE,

23 but, again, that was settled.

24 So I mean, if -- if there's challenging

25 regulatory environment here, I want to figure out what

0038

1 there is that -- you know, what are we addressing here?

2 MR. PARVINEN: Yeah, it -- it -- it

3 is difficult. I would say that one of our perspectives

4 in -- in settling is -- is -- is as a settling party, we

5 take into account what we think a litigated outcome

6 would be as one of the -- as one of the conditions on --

7 on taking into account when we come up with a -- with a

8 settlement offer or settlement proposal and accepting

9 the settlement is -- is weigh that against what we think

10 the possible outcomes will be.

11 So it's -- I would say that I guess it's

12 true that we take into account, for example, the 944

13 that we've settled on. We -- we think that's in the

14 ballpark of what the Commission is likely to come out

15 with. It's -- it's our assumption that that's -- that

16 that's a reasonable outcome without -- right, but

17 without having that -- without having that -- that --

18 that -- that hearing, is that true -- is that true or

19 not.

20 CHAIRMAN DANNER: Yeah, I think that's my

21 point. I mean, there's a downgrade in your financial

22 rating from a particular agency. I mean, it's still a

23 healthy investment grade, but it's -- if -- if it's due

24 to actions that this Commission has taken, if it's

25 speculation about what this Commission may or may not

0039

1 do, I mean, there's really only one way to prove that,

2 and that's not to settle the cases.

3 And so, you know, I just want to make sure

4 what my marching orders here are, because I think you're

5 asking us to settle this case.

6 MR. PARVINEN: We are.

7 CHAIRMAN DANNER: All right. Thank you.

8 COMMISSIONER BALASBAS: All right. This

9 question is to all the parties as -- as relates to the

10 provision in the settlement regarding the conservation

11 targets. And in the settlement, it states that the

12 terms from the settlement in Docket UG-152286 regarding

13 conservation targets shall remain in effect.

14 So this is really a clarifying question, and

15 does that mean that all of Section E from that docket

16 would remain in effect under the terms of this

17 settlement? And whoever wants to take that first, go

18 ahead.

19 MR. PARVINEN: I'm trying to -- this is Mike

20 Parvinen. I'm trying to recall what Section E actually

21 said. I don't have a copy of the order in front of me.

22 I will say that the settlement in that docket had a

23 number of conditions regarding conservation, and that

24 every other condition is already in -- permanently in

25 place either through other orders or other procedures so

0040

1 that -- that there was no need to act on those. I think

2 the following settlement even -- even in the -- the --

3 the following settlement in '17, is it '17 docket? Had

4 an exhibit that identified each of the conservation

5 things that we're currently doing as far as the

6 reporting, the plans, and things like that.

7 So it solidified -- it solidified through

8 order all of those components so that those -- yeah, so

9 that they're all in -- they're all in place. So I guess

10 you could say that in total, yes, it's basically keeping

11 that intact, if that makes sense.

12 MS. ERDAHL: And I would agree. I think

13 what was proposed in this case was to deviate from one

14 aspect, and that's what we agreed not to deviate from

15 the meeting of hundred percent of the target in the

16 conservation plan.

17 MS. LAYCOCK: I would agree with that as

18 well. I believe the rest of them would be carried

19 through.

20 MR. MULLINS: And this is Brad. I would

21 have the same response.

22 COMMISSIONER RENDAHL: So all of them

23 including the meeting a hundred percent of the target?

24 I see nodding of head from Ms. Laycock.

25 MS. LAYCOCK: Yes.

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1 JUDGE PEARSON: Do we have any additional

2 questions?

3 Okay. Thank you to the panel of witnesses.

4 We appreciate you being here giving testimony.

5 Is there anything further that we need to

6 address? Okay. Hearing nothing, that concludes the

7 settlement hearing today, and we will adjourn and be off

8 the record.

9 Or do you have something?

10 MS. GAFKEN: I have one thing.

11 JUDGE PEARSON: Okay.

12 MS. GAFKEN: It's a very simple thing. The

13 public comment exhibit.

14 JUDGE PEARSON: Yes.

15 MS. GAFKEN: I wanted to ask for a due date,

16 and as per our usual request, I would ask for a week.

17 So I think that puts us at November 12th.

18 JUDGE PEARSON: That sounds great.

19 MS. GAFKEN: Okay. Thank you.

20 JUDGE PEARSON: Okay. Thank you.

21 Okay. If there's nothing else, we will

22 adjourn and be off the record. Thank you all.

23 (Adjourned at 9:25 a.m.)

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1 C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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14 Tayler Garlinghouse, CCR 3358

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