

**Docket No. UE-210402**

**WUTC v. Pacificorp d/b/a Pacific Power & Light  
Company**

**June 24, 2021**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )  
)  
Complainant, )  
) DOCKET UE-210402  
vs. )  
)  
PACIFICORP, d/b/a PACIFIC )  
POWER & LIGHT COMPANY, )  
)  
Respondent. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VIRTUAL PREHEARING CONFERENCE

CONDUCTED VIA VIDEOCONFERENCE  
June 24, 2021  
2:00 P.M.

Reported by:  
Kristi K. Week, RPR  
WA Certified Court Reporter # 21004996

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1 REMOTE APPEARANCES  
2  
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1 REMOTE APPEARANCES  
2  
3 FOR THE ENERGY PROJECT:  
4 Yochanan Zakai  
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13 Kate Griffith  
14 Melissa Cheesman  
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16 Kendra White  
17 Colton Misono  
18  
19  
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21  
22  
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24  
25

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1 PROCEEDINGS  
2  
3 THE COURT: Let's be on the record.  
4 Good afternoon. We're here today for a  
5 prehearing conference in docket UE-210402, which is  
6 captioned Washington Utilities and Transportation  
7 Commission versus Pacificorp, doing business as Pacific  
8 Power & Light Company.  
9 My name is Michael Howard; I'm an  
10 Administrative Law Judge with the Commission, and I will  
11 be co-presiding in this matter along with the  
12 Commissioners. Let's start by taking appearances,  
13 addressing the petitions for intervention. So for  
14 appearance, let's start with Pacificorp.  
15 MR. KUMAR: Thank you, Your Honor.  
16 Appearing on behalf of Pacificorp is Ajay Kumar, and  
17 Carla Scarsella. Would you like any additional  
18 information?  
19 THE COURT: Short form is good for today.  
20 Thank you. I see you entered a notice in the docket, I  
21 believe.  
22 MR. KUMAR: Yes.  
23 THE COURT: Who do we have in appearance for  
24 staff?  
25 MR. DALLAS: Good afternoon, Your Honor.

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1 This is Joe Dallas, Assistant Attorney General on behalf  
2 of staff.  
3 UNIDENTIFIED SPEAKER: Thank you, buddy.  
4 THE COURT: Sounds like someone might need  
5 to mute themselves. It's perfectly understandable. But  
6 might want to check those mute buttons. Could we have  
7 an appearance for public counsel?  
8 MS. SUETAKE: Good afternoon, Your Honor.  
9 This is Nina Suetake, Assistant Attorney General for  
10 public counsel.  
11 THE COURT: Thank you. And for AWEC?  
12 MR. COLEMAN: Your Honor, Brent Coleman on  
13 behalf of the Alliance of Western Energy Consumers.  
14 THE COURT: Thank you. Could we have  
15 appearance for Walmart?  
16 MS. BALDWIN: Yes. Vicki Baldwin on behalf  
17 of Walmart Inc.  
18 THE COURT: And could we have an appearance  
19 for the Energy Project?  
20 MR. ZAKAI: Hello. This is Yochanan Zakai;  
21 I'm an attorney with Shute Mihaly & Weinberger, and I'm  
22 here on behalf of the Energy Project.  
23 THE COURT: Thank you. So that brings us to  
24 the petitions for intervention. Are there any petitions  
25 for intervention, other than the ones that have been

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1 filed in writing? Hearing none, we will proceed.  
2 So we have received three petitions to  
3 intervene: one from the Energy Project; one from  
4 Walmart; and one from AWEC. I did not receive any  
5 written objections to these petitions in the docket.  
6 Are there any objections today?  
7 MR. KUMAR: Your Honor, the company has no  
8 objections.  
9 THE COURT: Thank you. Would any other  
10 party like to speak to this issue? All right. Hearing  
11 no objections, the petitions to intervene are granted,  
12 and that will be reflected in the prehearing conference  
13 order.  
14 So let's next turn to the procedural schedule.  
15 So before the conference call today, the parties and I  
16 were discussing possible dates for the hearing.  
17 PacifiCorp indicated that a hearing date in the first  
18 week of December might be best for the company. So, at  
19 this point, I'm suggesting Friday, December 3. That  
20 looks like it might work for the Commissioners, but it  
21 looks like December 1st, 2nd, 6th, or 7th would also  
22 work.  
23 So we could take a couple of difference  
24 approaches to this today. I could read off a proposed  
25 schedule based on a December 3rd hearing date using the

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1 framework of the staff's proposed schedules sent to me  
2 earlier, or we could go off the record and allow the  
3 parties to discuss this issue. So I'm welcome to input  
4 from the parties, and I'll start with the company.  
5 MR. KUMAR: Your Honor, I think either  
6 option could work for the company. If you have proposed  
7 dates based on a December 3rd hearing date, I think we  
8 would like to hear that, and that could help inform the  
9 parties' discussions, if necessary. But we'll also --  
10 we'd like to hear what staff's thoughts are and the  
11 other parties' thoughts are as well.  
12 THE COURT: Mr. Dallas, would you like to  
13 weigh in?  
14 MR. DALLAS: Yes, Your Honor. Due to the  
15 amount of parties, it might be more efficient to go off  
16 the record and propose something. You know, the big  
17 date is the hearing date, and we can schedule everything  
18 around the December 3rd hearing date. But there's a lot  
19 of parties, and we do have the holidays coming up. So  
20 it might be best to go off the record and propose  
21 something to the Commission, but I'm not opposed to what  
22 the company has stated.  
23 THE COURT: All right. Does -- does any  
24 party have any concerns that they'd like to address  
25 before we go off the record for a discussion amongst the

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1 parties?  
2 Okay. Hearing none, we are off the record for  
3 the moment.  
4 (Discussion held off the record.)  
5  
6 THE COURT: Let's be back on the record. We  
7 have taken a brief recess, and the parties have  
8 conferred on the procedural schedule, and I've been  
9 informed that the parties have agreed on a procedural  
10 schedule for this case.  
11 Mr. Dallas, would you mind reading that into  
12 the record?  
13 MR. DALLAS: Yes, Your Honor, and I'll start  
14 at the very top. So at the top of our agreed to  
15 schedule we have the tariff filing on June 1, 2021. And  
16 then we have the tariff suspension date and the date  
17 discovery is commenced on June 16, 2021. We have the  
18 prehearing conference, which is today, on June 24, 2021.  
19 We have a workshop scheduled on July 20, 2021. We have  
20 a settlement conference scheduled on September 1, 2021.  
21 The date response testimony is due is September 30,  
22 2021. And then we have the date for the notice of the  
23 public comment hearing is to be determined, but it will  
24 be at least 30 days prior to the public comment hearing.  
25 Then we have the public comment hearing, which is to be

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1 determined. After that, we have the date for rebuttal  
 2 and cross answering testimony, which is October 29,  
 3 2021. After that we have the discovery cut off, which  
 4 is November 16, 2021. Then we have the date for the  
 5 filing of cross-examination exhibits, witness list,  
 6 errata sheets, and email cross-examination time  
 7 estimates on November 23, 2021. Then we have the  
 8 hearing scheduled on December 3, 2021.

9 And then, Your Honor, in this case we agreed to  
 10 two rounds of briefing. So the first round of  
 11 post-hearing briefing is going to be on December 17,  
 12 2021, and then the second round, the post-hearing reply  
 13 briefs will be on December 23, 2021, and we pushed back  
 14 the requested final order to February 1, 2022.

15 And also, another note, we did agree to a  
 16 five-day turnaround, I believe five business day  
 17 turnaround for discovery requests.

18 THE COURT: Thank you, Mr. Dallas. And I  
 19 did -- I did note the language about the turnaround time  
 20 on data requests. The footnote in the proposed schedule  
 21 refers to it being five business days as of the filing  
 22 of response testimony, and then it uses a phrase, on the  
 23 best -- "based on the best efforts of the parties." I  
 24 am slightly concerned that that language would be hard  
 25 to -- hard to enforce if there were any disputes. Is

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1 everyone comfortable with that phrase? Are we  
 2 comfortable including that phrase?

3 MR. KUMAR: I can maybe provide some context  
 4 around that phrase, Your Honor. We do often use that  
 5 phrase. It's from the way we conduct our proceedings in  
 6 Oregon where we often, again, as you get closer to  
 7 hearing you do shorten the amount of the discovery  
 8 period, and it's just oftentimes because in certain  
 9 power costs proceedings, if there's certain voluminous  
 10 data requests that involve, you know, heavy data and  
 11 certain modeling, it can often require us more than five  
 12 days to procure them. So having a hard deadline of five  
 13 days is often difficult, and we usually strive very hard  
 14 to meet the five business day deadline, usually just  
 15 we're almost always the party getting served the  
 16 discovery data requests. And so -- but we just like to  
 17 be able to have the opportunity to work with parties to  
 18 -- if things go beyond the five days.

19 THE COURT: All right. Unless anyone else  
 20 has other concerns or anything they'd like to comment on  
 21 that issue, I am comfortable with that. All right.

22 MR. COLEMAN: To the extent --

23 THE COURT: Oh, go ahead.

24 MR. COLEMAN: I apologize, Your Honor.  
 25 To the extent that it matters AWEC has

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1 participated with PacifiCorp in some of the other  
 2 proceedings in other jurisdictions, and this framework  
 3 has turned out to be successful.

4 THE COURT: All right. Thank you. In that  
 5 case, I anticipate that this procedural schedule should  
 6 work well for the Commission, and I will plan on  
 7 incorporating that into the prehearing conference order.  
 8 Let me just -- sorry, Microsoft Word on my computer is  
 9 choosing to have some problems right now. Just a  
 10 moment. Sorry, everyone. Just a moment. I've got to  
 11 close out that program.

12 All right. In terms of just a few more  
 13 housekeeping matters, on the issue of data requests, we  
 14 frequently include a requirement in the prehearing  
 15 conference order that any data requests and responses  
 16 are shared with every other party. It may make it  
 17 easier for the parties in this case if we include such a  
 18 requirement. Is there any objection to my including  
 19 that in the prehearing conference order here? All  
 20 right. Hearing no objection, I will plan on including  
 21 that requirement in the order.

22 And we already have a protective order in this  
 23 docket. On the issue of the electronic filing and  
 24 electronic service, the Commission requires electronic  
 25 filing of documents for formal filing. We are

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1 continuing to suspend the requirements for paper copies  
 2 of filed documents in light of the COVID-19 pandemic;  
 3 that will be included in the prehearing conference  
 4 order. And as you all may be aware, the Commission's  
 5 rules provide for electronic service of documents. The  
 6 Commission will serve the parties electronically, and  
 7 parties will serve each other electronically.

8 If any party has not yet designated a lead  
 9 representative for service, please do so via an email to  
 10 me as soon as possible. My email is  
 11 Michael.Howard@UTC.law.gov. If anyone would like to add  
 12 names and email addresses of other representatives or  
 13 support staff who should receive electronic courtesy  
 14 copies of all documents filed in this proceeding, please  
 15 email that to me as well.

16 Is there anything else we should address today  
 17 before we go off the record?

18 MS. BALDWIN: Your Honor, this is Vicki  
 19 Baldwin for Walmart. I was just wondering if we  
 20 included that information in our motion for leave to  
 21 intervene, is that adequate, or should we also email you  
 22 that information?

23 THE COURT: It should be sufficient that  
 24 it's included in your petition to intervene. I will  
 25 double check. I will double check those are included in

1 our master service list document. I did notice that it  
2 wasn't updated to include AWEC's information a few days  
3 ago. So I will -- I'll go through and make sure that  
4 those are all included.

5 MS. BALDWIN: Thank you.

6 MR. ZAKAI: Thank you, Your Honor. I would  
7 note that the Energy Project included that information  
8 in our petition to intervene as well.

9 THE COURT: Okay. Great. Were there any  
10 other questions or concerns that anyone would like to  
11 raise before we go off the record?

12 MR. KUMAR: I do have one question.  
13 Actually, no, I apologize. I'm not going to -- I won't  
14 address that at this time. Thanks. I have nothing  
15 else.

16 THE COURT: Okay. No problem.  
17 All right. In that event, we will issue an  
18 order shortly containing the procedural schedule and  
19 other guidelines for the disposition of this case. We  
20 are adjourned. Thank you.

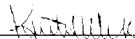
21 MR. DALLAS: Thank you.

22  
23 (Proceedings concluded at 3:02 p.m.)  
24  
25

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

2  
3 I, KRISTI WEEK, the officer before whom the  
4 foregoing deposition was taken, do hereby certify that  
5 the foregoing transcript is a true and correct record of  
6 the testimony given; that said testimony was taken by me  
7 stenographically and thereafter reduced to typewriting  
8 under my direction; that reading and signing was not  
9 requested; and that I am neither counsel for, related  
10 to, nor employed by any of the parties to this case and  
11 have no interest, financial or otherwise, in its  
12 outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 and affixed my signature this 7th day of July, 2021.

15  
16  
17  
18   
19 Kristi K. Week, RPR  
20 WA Certified Reporter No. 21004996  
21  
22  
23  
24  
25



A	B			
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