

Docket No. UG-190210 - Vol. III

**Washington Utilities and Transportation Commission v.
Cascade Natural Gas Corporation**

November 5, 2019



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND, DOCKET UG-190210 TRANSPORTATION COMMISSION)

Complainant,)

vs.)

CASCADE NATURAL GAS CORPORATION,)

Respondent.)

SETTLEMENT HEARING, VOLUME III

Pages 20-42

CHAIRMAN DANNER, COMMISSIONER RENDAHL, COMMISSIONER BALASBAS, JUDGE PEARSON

November 5, 2019 9:04 a.m.

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LACEY, WASHINGTON; NOVEMBER 5, 2019
9:04 A.M.
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P R O C E E D I N G S

JUDGE PEARSON: Let's get started. Good morning. Today is Tuesday, November 5th, 2019, at 9:04 a.m., and we're here today for a settlement hearing in Docket UG-190210, which is captioned Washington Utilities and Transportation Commission versus Cascade Natural Gas Corporation.

My name is Rayne Pearson. I'm an administrative law judge with the Commission, and I am joined today by Chair Dave Danner, Commissioner Ann Rendahl, and Commissioner Jay Balasbas.

So let's begin by taking short form appearances from the parties beginning with the Company and then we'll go around the room.

MS. PEASE: Jocelyn Pease with McDowell Rackner Gibson for Cascade Natural Gas.

MR. STOKES: Chad Stokes with the Cable Huston law firm for the Alliance of Western Energy Consumers.

MR. FFITCH: Simon ffitich, Attorney, appearing on behalf of The Energy Project.

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MS. GAFKEN: Lisa Gafken, Assistant Attorney General, appearing on behalf of Public Counsel.

MR. ROBERSON: Jeff Roberson, AAG, appearing on behalf of Commission Staff.

JUDGE PEARSON: Okay. Thank you. For the record, I will ask the parties if they're willing to stipulate to the admission of all of the prefiled exhibits and testimony up to and including the settlement testimony and exhibits.

MR. ROBERSON: Staff has no objection.

MS. GAFKEN: Public Counsel stipulates.

MR. FFITCH: Energy Project stipulates, Your Honor.

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

MS. PEASE: And Cascade stipulates to the admission.

JUDGE PEARSON: Okay. Thank you. Then all prefiled exhibits are admitted, and I will provide a copy of the exhibit list to the court reporter so it can be made part of the record.

(All prefiled exhibits admitted.)

So I understand that Mr. Roberson will be making an opening statement on behalf of all parties.

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

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

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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

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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

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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

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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

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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

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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.

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.

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

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

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

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.

1 CERTIFICATE

2
3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

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.
10



11
12
13 Tayler Garlinghouse
14 Tayler Garlinghouse, CCR 3358
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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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