Docket No. UG-210755 - Vol. III

WUTC v. Cascade Natural Gas

April 14, 2022



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Docket No. UG-210755 - Vol. III - 4/14/2022

	Page 1		Page 3
	BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	1 2	APPEARANCES CONTINUED
	WASHINGTON UTILITIES AND) Docket UG-210755	3	For The Energy Project:
	TRANSPORTATION COMMISSION,)) Plaintiffs,)	4	YOCHI ZAKAI Shute, Mihaly & Weinberger, LLC
) vs.)	5	396 Hayes Street
	CASCADE NATURAL GAS CORPORATION,)		San Francisco, California 94102 415.552.7272
	Defendants. ′)	6 7	Yzakai@smwlaw.com
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		10 11	
	; ;	12 13	
	VIRTUAL STATUS CONFERENCE VOLUME III	14 15	
	ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE	16	
	(All participants appeared remotely via videoconference.)	17 18	* * * *
	Washington Utilities and Transportation Commission	19 20	
	621 Woodland Square Loop Southeast Lacey, Washington 98503	21 22	
		23 24	
	DATE TAKEN: April 14, 2022 REPORTED BY: Sarah K. Webb, RSR, CCR #5567	25	
	Page 2		Page 4
1 2	A P P E A R A N C E S Administrative Law Judges:	1	LACEY, WASHINGTON
3 4	SAMANTHA DOYLE RAYNE PEARSON	2	2:00 p.m. -000-
5	For Cascade: DONNA BARNETT	4	PROCEEDING
6	MEGAN LIN Perkins Coie LLP	5	JUDGE DOYLE: Good afternoon. We're here
7 8	10885 Northeast 4th Street Suite 700 Bellevue, Washington 98004	7	today for a status conference in Docket UG-210755, which is captioned: Washington Utilities and Transportation
9	425.635.1419 Dbarnett@perkinscoie.com MLin@perkinscoie.com	9	Commission versus Cascade Natural Gas Corporation.
10 11	For Staff:	10 11	Today is Thursday, April 14th, 2022 and the time is approximately 2:00 p.m.
12	NASH CALLAGHAN Washington State Attorney General's Office	12	My name is Samantha Doyle, and I use she/her or
13	P.O. Box 40128 Olympia, Washington 98504 360.915.4521	13 14	they/them pronouns. And with me is Rayne Pearson, who uses she/her pronouns. We are administrative law judges
14 15 16	Nash.callaghan@utc.wa.gov JOANNA HUANG Public Counsel:	15 16	with the Washington Utilities and Transportation
17 18	ANN PAISNER Washington State Attorney General's Office 8025 36th Avenue Northeast	17	Commission and we are copresiding in this matter along with the commissioners.
19	Seattle, Washington 98115 941.356.4851	18 19	Let's start by taking appearances and then address the status of the notice to consolidate dockets
20	Annhove@gmail.com For AWEC:	20	UG-210755 and UG-220198.
21 22	CHAD STOKES Cable Huston, LLP	21 22	Let's begin with Cascade; please state your name and feel free to provide your pronouns as well.
23	1455 Southwest Broadway Suite 1500 Portland, Oregon 97201	23	MS. BARNETT: Thank you, Judge Doyle.
24	503.224.3092 Cstokes@cablehuston.com	24 25	This is Donna Barnett; I use she/her pronouns. I'm with Perkins Coie representing Cascade in this
25			

1 (Pages 1 to 4)

	Page 5		Page 7
1	matter and with me is Megan Lin.	1	believe that halting the EDIT reversals and filing an
2	JUDGE DOYLE: Thank you.	2	accounting petition to track revenues consistent with
3	And for Staff?	3	normalization rules in the interim will prevent
4	MR. CALLAGHAN: Good afternoon, Your Honors.	4	normalization violations from occurring?
5	My name is Nash Callaghan, I'm the assistant attorney	5	No. 2, Cascade extends the effective date of
6	general appearing on behalf of Commission Staff today.	6	its current GRC and the Commission consolidates the
7	My pronouns are he/him and I believe that Joanna Huang	7	dockets.
8	is joining me, although I didn't see her name on the	8	And the final Option 3, the Commission
9	list.	9	suspends the tariff revision filed in Docket UG-220198
10	Joanna, are you here?	10	and sets the matter of the hearing.
11	MS. HUANG: Yes, I'm here.	11	Let's begin with Cascade and their response to
12	MR. CALLAGHAN: Thank you.	12	these options.
13	JUDGE DOYLE: Thank you.	13	MS. BARNETT: Thank you, Your Honor. And I
14	And for public counsel?	14	want to begin by thanking the presiding officers for
15	MS. PAISNER: Afternoon, Judge Doyle. My	15	holding this status conference and considering other
16	name is Ann Paisner and I'm an assistant attorney	16	options besides consolidation. I feel very heard and I
17	general with the public counsel unit of the Washington	17	appreciate the opportunity to present Cascade's
18	Attorney General's Office.	18	positions on these.
19	JUDGE DOYLE: Thank you so much.	19	So I'll just summarize and we have several
20	And for Alliance of Western Energy Consumers or	20	people from the Company who can elaborate and go into
21	AWEC?	21	any detail you would like. But just in summary going
22	MR. MULLINS: Your Honor, this is Brad	22	through the options, the first option seems reasonable,
23	Mullins; I'm a consultant with AWEC. And Chad Stokes,	23	but it will not fix the normalization violation soon
24	our attorney, should be on the line and I'm emailing him	24	enough if it's before the next rate case. The IRS gave
25	right now to see if he's coming on shortly.	25	clear direction that it has to be fixed as soon as
	Page 6		Page 8
1	JUDGE DOYLE: Thank you.	1	possible, so Cascade does not feel that Option 1 is
2	Let's see. For The Energy Project?	2	appropriate.
3	MR. ZAKAI: Good afternoon, Judge Doyle. This is Yochi Zakai for The Energy Project. And I use	3	Option 2, they are not inclined to extend the
4 5	he/him pronouns.	5	statutory deadline. And so that leaves Option No. 3 as the preferred option for Cascade. And I know Lori
6	JUDGE DOYLE: Thank you.	6	Blattner is on the line and you've heard from her
7	Do we need to give AWEC a little bit more time	7	before, but she can go into some more detail and
8	or are we good to continue?	8	present some other folks from Cascade who can answer
9	MR. MULLINS: Why don't we go ahead and	9	any questions you have if you want to do that now or at
10	hopefully he joins soon.	10	a later time.
11	JUDGE DOYLE: Okay, thank you, all right.	11	JUDGE DOYLE: I think what we'll do is hear
12	Well, we issued a notice of intent to	12	the responses from the other parties and then if we have
13	consolidate proceedings and a notice of bench request on	13	more follow-up
10		14	
14	March 29, 2022. After receiving all of the parties'	1 14	MS. BARNETT: Very dood, thank you.
	March 29, 2022. After receiving all of the parties' responses and the Company's response to the bench	14	MS. BARNETT: Very good, thank you. JUDGE DOYLE: unless Judge Pearson, do
14	responses and the Company's response to the bench		JUDGE DOYLE: unless Judge Pearson, do
14 15		15	
14 15 16	responses and the Company's response to the bench request, you should have noticed for the status	15 16	JUDGE DOYLE: unless Judge Pearson, do you have any questions before we move on? I'm sorry.
14 15 16 17	responses and the Company's response to the bench request, you should have noticed for the status conference with the following options for the Company.	15 16 17	JUDGE DOYLE: unless Judge Pearson, do you have any questions before we move on? I'm sorry. JUDGE PEARSON: No, not at this time.
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2 (Pages 5 to 8)

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·	Page 9		Page 11
1	MR. CALLAGHAN: Your Honor, I don't know if	1	situation in which we would be able to support that
2	you can hear me, but but I'm going to try to call in.	2	option.
3	l'Il be as quick as possible.	3	The third option we sort of view this issue
4	JUDGE DOYLE: Okay, great. We'll just take	4	as something that's typically addressed in a GRC.
5	a moment here.	5	However, to the extent this issue is already sort of
6	MR. CALLAGHAN: Your Honor, can you hear me?	6	being trued up and tracked separately, we could support
7	JUDGE DOYLE: Yes, thank you, that's better.	7	the third option on its own, even though it's typically
8	Go right ahead.	8	something that it seems like it should be addressed in a
9	MR. CALLAGHAN: I apologize.	9	GRC. And so we do have concerns regarding that EDIT in
10	So and you were about to call on me?	10	how it's being addressed in the current filing; we think
11	JUDGE DOYLE: (Moves head up and down.)	11	it sort of raises issues.
12	MR. CALLAGHAN: Okay, thank you.	12	So to sum up, we would public counsel would
13	So Your Honor so Staff's preferences in	13	not support the first option. The second option, if the
14	order is that Staff's first preference is for Option	14	schedule is extended, revisited and testimony dates are
15	3, our second preference is for Option 1 and our last	15	pushed back. Also, if the second option were pursued,
16	preference is for Option 2.	16	we would like to see the discovery response turnaround
17	So Staff's response to the question in Option	17	time reduced to a five-day turnaround instead of a
18	1, is no. I don't know if you wanted that answered	18	ten-day turnaround. So those are the conditions under
19	given that it wasn't Staff's first preference, but	19	which public counsel would be able to support the second
20	Staff's response to the question in 1 is no.	20	option. And the third option, it seems like there are
21	JUDGE DOYLE: Did you want to elaborate as	21	complications with how EDIT is dealt with in the current
22	to why it would not prevent the normalization violations	22	proceeding, but it does seem like it's possible to
23	to occur?	23	pursue the third option keeping it separate from 210755,
24	MR. CALLAGHAN: I'd have to defer to Joanna	24	thank you.
25	Huang on that.	25	JUDGE DOYLE: Thank you.
	Page 10		Page 12
1	Page 10 JUDGE PEARSON: It's okay. We're not	1	And did AWEC have a response? Is there anybody
1 2	JUDGE PEARSON: It's okay. We're not prepared to take testimony from Staff right now, so	1 2	And did AWEC have a response? Is there anybody available that would like to speak for them?
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1	general rate case. There's a lot of moving parts here,	1	we will set the matter for prehearing conference.
2	and to have a single-issue rate filing outside of a GRC	2	MS. BARNETT: I guess the simple answer is
3	when you have a GRC ongoing is bad policy in our view.	3	no. I just I'm unclear about setting up for the
4	And if the Commission is inclined to go with	4	prehearing conference. You're talking about the so
5	Option 3, I just want to be clear that parties should	5	the other docket for the prehearing conference we can do
6	not be prohibited about arguing about the protected EDIT	6	that we're doing that right now, then?
7	in this current rate case because that is an adjustment	7	JUDGE PEARSON: We wouldn't do that right
8	that we will be discussing in our testimony.	8	now; we would issue a notice. But yes, we would suspend
9	JUDGE DOYLE: Thank you very much.	9	it and set it for prehearing conference on the 11-month
10	MR. STOKES: Thank you.	10	timeline for tariff filings.
11	JUDGE DOYLE: And finally with The Energy	11	MS. BARNETT: So okay. I think yeah,
12	Project, would you like to discuss options?	12	absolutely because Cascade is not willing to extend the
13	MR. ZAKAI: Yes, thank you. I'd like to	13	deadline for that. So I think that's appropriate if
14	just express support for the concern that AWEC raised	14	that's the only other option.
15	about single-issue rate filings while a general rate	15	JUDGE PEARSON: It is the only option the
16	case proceeding is ongoing. You know, it really is a	16	Commission has. So unless the parties have other
17	vast regulatory practice to deal with all of the revenue	17	options that they want to present, that's how we'll
18	issues of a utility within the context of a general rate	18	proceed.
19	case and it could present serious concerns and set	19	So anything else? All right, hearing nothing.
20	you know, TEP believes a pretty bad precedent if	20	Then we will set this matter for prehearing conference
21	utilities are able to continually make filings at the	21	and put it on an adjudication schedule.
22	same time as a general rate case proceeding is ongoing.	22	Thank you all for coming today and we're
23	So TEP encourages the Commission to consider	23	adjourned.
24	the regulatory implications and the precedent that it	24	(Hearing adjourned at 2:20 p.m.)
25	would set to allow, you know, the you know, this type	25	-000-
	Page 14		Page 16
1	of filing to go without consolidation or addressing it	1	CERTIFICATE
2	in some way within the general rate case proceeding.	2	STATE OF WASHINGTON
3	That said, TEP doesn't have a particular	3	COUNTY OF KING
4	opinion on the options and we don't have a you know,	4	
5	a revenue requirement witness in this case, but, you	5	I, Sarah K. Webb, a Certified Court Reporter in
6	know, if, you know public counsel and the other	6	and for the State of Washington, do hereby certify that
7	interveners that do have revenue required witnesses	7	the foregoing transcript is true and accurate to the
8	you know, need an expedited discovery timeline or	8	best of my knowledge, skill, and ability.
9	additional time to, you know, complete their review, we	9	IN WITNESS WHEREOF, I have hereunto set my hand
10	would encourage the Commission to consider that so that	10	and seal this April 25th, 2022.
11	there is a complete record for the Commission's	11	
11		1 1 2	
12	consideration, thank you.	12	
12 13	consideration, thank you. JUDGE PEARSON: Okay, thank you.	13	
12 13 14	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission	13 14	- STORE
12 13 14 15	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related	13	
12 13 14 15 16	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related to single-issue rate making. The problem is the	13 14 15	State 4 11114
12 13 14 15 16 17	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related to single-issue rate making. The problem is the Commission can't force Cascade to extend its effective	13 14 15 16	Sarah K. Webb, RSR, CCR #5567
12 13 14 15 16 17 18	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related to single-issue rate making. The problem is the Commission can't force Cascade to extend its effective date. Our choice would be to set up for a hearing, but	13 14 15 16	<u></u>
12 13 14 15 16 17 18 19	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related to single-issue rate making. The problem is the Commission can't force Cascade to extend its effective date. Our choice would be to set up for a hearing, but of course a possible outcome could be that we find we	13 14 15 16 17	Sarah K. Webb, RSR, CCR #5567
12 13 14 15 16 17 18 19 20	consideration, thank you. JUDGE PEARSON: Okay, thank you. And just to be clear, you know, the Commission has reviewed the filing and shared the concerns related to single-issue rate making. The problem is the Commission can't force Cascade to extend its effective date. Our choice would be to set up for a hearing, but of course a possible outcome could be that we find we cannot make this change outside the context of a general	13 14 15 16 17 18 19 20	Sarah K. Webb, RSR, CCR #5567
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