Docket No. UE-210795 - Vol. I

In the Matter of Puget Sound Energy's Clean Energy Implementation Plan

May 9, 2022
BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

PUGET SOUND ENERGY

Clean Energy Implementation
Plan Pursuant to WAC
480-100-640

DOCKET UE-210795

VIRTUAL PREHEARING CONFERENCE, VOLUME I
Pages 1-35
ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

May 9, 2022
9:30 a.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
(206) 287-9066 | Seattle
(360) 534-9066 | Olympia
(800) 846-6989 | National
www.buellrealtime.com
APPEARANCES

ADMINISTRATIVE LAW JUDGE:

MICHAEL HOWARD

FOR COMMISSION STAFF:

NASH CALLAGHAN
Assistant Attorney General
PO Box 40128
Olympia, Washington 98504
(360) 915-4521
nash.callaghan@utc.wa.gov

FOR PUGET SOUND ENERGY:

DONNA BARNETT
SHEREE STROM CARSON
Perkins Coie
10885 Northeast Fourth Street
Suite 700
Bellevue, Washington 98004
(425) 635-1400
dbarnett@perkinscoie.com
 scarson@perkinscoie.com

FOR PUBLIC COUNSEL:

NINA SUETAKE
Attorney General's Office
Public Counsel Unit
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104
(206) 389-2055
nina.suetake@atg.wa.gov

FOR THE ENERGY PROJECT:

SIMON FFITCH
Attorney at Law
321 High School Road NE, Ste D3
Bainbridge Island, Washington 98110
(206) 669-8197
simon@ffitchlaw.com
APPENDICES (Cont.)

FOR NWEC AND FRONT AND CENTERED:

AMANDA GOODIN
Earthjustice
810 Third Avenue, Suite 610
Seattle, Washington 98104
(206) 343-7340

FOR AWEC:

SOMMER MOSER
Davison Van Cleve
1750 SW Harbor Way, Suite 450
Portland, Oregon 97201
(971) 710-1154
sjm@dvclaw.com

FOR RENEWABLE NORTHWEST:

KATIE WARE
Renewable Northwest
421 SW 6th Avenue, Suite 1400
Portland, Oregon 97204
(503) 223-4544
katie@renewablenw.org
LACEY, WASHINGTON; MAY 9, 2022

9:30 A.M.

--o0o--

PROCEDINGS

JUDGE HOWARD: Let's be on the record. Good morning. We're here today for a prehearing conference in Docket UE-210795. This case is captioned In the Matter of Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640.

This is an adjudicatory proceeding regarding PSE's first Clean Energy Implementation Plan, or CEIP.

My name is Michael Howard, and I'm an administrative law judge with the Commission, and I will be co-presiding in this matter along with the Commissioners. The Commissioners will not be joining us at this particular prehearing conference.

Because we may have some interested members of the public on the call, I want to explain the purpose of our conference today.

This is a meeting for the parties to the case, which would include the Company, Staff, Public Counsel, and other intervenors. The parties and I will be planning for a proceeding that is like a trial in court and will be discussing various procedural issues
around that.

This meeting is not necessarily intended for hearing comments from the public. If you would wish to provide comments, you may file written comments through the Commission's website or you may attend the public comment hearing that will be in the next few months. The Commissioners will be at that public comment hearing and will be able to consider your remarks then.

So with that explanation in mind, let's start by taking appearances, beginning with Puget Sound Energy.

MS. BARNETT: Thank you, Your Honor. Donna Barnett. My pronouns are she/her, and I'm with Perkins Coie, representing Puget Sound Energy. And with me is Sheree Carson.

JUDGE HOWARD: Thank you.

And could we have an appearance for Staff?

MR. CALLAGHAN: Thank you, Your Honor. Nash Callaghan, Assistant Attorney General, on behalf of Commission Staff. My pronouns are he/him. Thank you.

JUDGE HOWARD: Thank you.

Could we have an appearance for Public Counsel?

MS. SUETAKE: Good morning, Your Honor. My name is Nina Suetake, Assistant Attorney General, for
Public Counsel Unit, and my pronouns are she/her.

JUDGE HOWARD: Thank you.

Could we have an appearance for AWEC, Alliance of Western Energy Consumers?

MS. MOSER: Good morning, Your Honor.

Sommer Moser, with Davison Van Cleve, appearing on behalf of AWEC, and my pronouns are she/her.

JUDGE HOWARD: Thank you.

Could we have an appearance for The Energy Project?

MR. FFITCH: Good morning, Your Honor.

Simon Fitch, on behalf of The Energy Project.

JUDGE HOWARD: Thank you.

Could we have an appearance for NWEC and Front and Centered?

MS. GOODIN: Good morning, Your Honor.

Amanda Goodin, with Earthjustice, appearing on behalf of Front and Centered and the Northwest Energy Coalition. And Molly Tack-Hooper, also with Earthjustice, is with me as well. My pronouns are she/her.

JUDGE HOWARD: Thank you.

Could we have an appearance for Renewable Northwest?

MS. WARE: This is Katie Ware, appearing on behalf of Renewable Northwest.
JUDGE HOWARD: Thank you.

Are there any other organizations on the call that would like to give a verbal notice of appearance here?

All right. Hearing none, let's turn to the petitions for intervention. Are there any petitions for intervention other than the ones that have been filed in writing in this docket so far?

All right. Hearing none, we have received four petitions to intervene for the following five organizations: AWEC, The Energy Project, Renewable Northwest, NWEC, and Front and Centered. NWEC and Front and Centered being represented by the same counsel.

Are there any objections to the written petitions for intervention?

MR. CALLAGHAN: No objections from Staff, Your Honor.

JUDGE HOWARD: Thank you.

Does any other party wish to indicate an objection?

All right. Hearing none -- hearing none, it is -- I will be granting the written petitions to intervene filed in this docket so far, and I will be addressing this further in the prehearing conference order.
So next, turning to the issue of the procedural schedule, before the conference today, I emailed the parties, suggesting possible dates for the hearing. I indicated that the Commission could hold the hearing over two days, on January 31st, 2023, and February 1st, 2023.

The parties shared some proposed schedules over email over the last couple of days. It looks like the parties may still need to discuss and see if they can stipulate to a single proposed schedule.

I would ask the parties to keep those two hearing dates in mind, given the constraints on the Commission with the two pending general rate cases proceeding at the same time.

And I did note that the parties referred to the possibility of having a settlement hearing on the calendar earlier on the schedule than the normal evidentiary hearing that would -- that would be towards the end of the schedule in this proceeding.

And I have suggested this in past cases, and I believe it could be useful in this docket, but at the present moment, it is difficult to find an acceptable date for settlement hearing because of the two general rate cases that are pending, which I just mentioned.

It may be possible to hold a settlement
hearing in this docket on October 24th and 25th, 2022. That could be something for the parties to consider if that would work with the schedule as a possibility, but I would have to confirm that works for the Commission.

I also want to note that the Commission was interested in having the Company file a crosswalk before the hearing in this docket that addressed and reconciled this Commission's findings in general rate case final order with the testimony of filings in the CEIP docket.

I did not see that addressed specifically in the emails. Were there any concerns from the Company with -- with such a suggestion?

MS. BARNETT: Thank you, Your Honor. No concerns theor- -- you know, theoretically with it. It's just I don't think it's going to be as useful or helpful as -- as we think.

I don't think there's going to be much from the rate case that we're going to be able to use in the CEIP coming out of that. And I think it would kind of artificially have some expectation around it that I don't think is going to be realized.

So we don't see that it's going to be a benefit in this case to put something on the schedule to be waiting for something that probably won't be as helpful as some people think.
JUDGE HOWARD: That's a fair point to consider.

Would any other party like to speak to this issue?

MS. SUETAKE: This is Nina Suetake from Public Counsel Unit. I guess I'm not entirely sure what you mean by a "crosswalk." Do you just mean what parts in the decision would affect the CEIP? If you could give an explanation, that'd be helpful.

JUDGE HOWARD: Yes. And we have -- we have done this in some past cases. It's not something that we do on a regular basis. But it would be asking the Company -- or directing the Company in the schedule to file this crosswalk document, showing how the various findings in the general rate case order that are relevant to the CEIP docket have -- have been accounted for or how they impact the testimony that's been offered so far in this case.

So as Barnett just offered, there -- there -- there may be a number of findings in the general rate case that do not directly apply to the CEIP docket, but we still do believe it could be helpful in case there are findings in the general rate case final order that impact things like the interim targets or the customer benefit indicators or any of the other
MS. SUETAKE: Thank you for that explanation. I would personally find it useful, and I think all the parties wouldn't object to that. I mean, if there are no -- it turns out there are no findings, that makes sense that they wouldn't have to file something, but I think we should just leave that up until the time.

JUDGE HOWARD: All right. Thank you.

Would any other party like to comment on that particular issue?

MS. GOODIN: Judge Howard, this is Amanda Goodin, with Earthjustice. I -- I would just flag, I believe in your email you mentioned the possibility of having the RFP rules incorporated as part of this crosswalk, and I know the Company has said they will not be able to do that. I believe in the rate case, they've noted that they plan to file a power cost adjustment or power cost case that incorporate those results.

So to the extent that some of the hearing date is driven by a desire to wait for that, we think that it doesn't make sense to wait for something that's going to be the subject of a separate case and that we won't have likely anyways.

JUDGE HOWARD: Thank you. I think that --
that does -- that does raise the other issue of incorporating the RFP results in the CEIP docket. Our suggestion for the crosswalk was not specifically concerned with the RFP results, and -- and the timing that we're proposing for the evidentiary hearing is not tied to the RFP results.

But I imagine it could be helpful to this proceeding to incorporate them, but I did receive Barnett's email, explaining that that might not be feasible due to the timing.

Would any other party like to comment on the issue of incorporating the RFP results, because otherwise, it seems that we're kind of setting that suggestion aside, as far as incorporating it in this docket?

All right. Hearing none, I -- those were my comments and suggestions for the parties to consider.

Have the parties -- since the email exchange, have the parties agreed and conferred on a schedule or would it be helpful to go off the record and the parties confer amongst themselves?

MS. BARNETT: Your Honor, I don't have any objection to going off the record and conferring. We have, though, talked informally with the parties for several weeks and months regarding a schedule for the
CEIP and getting that resolved. So I don't think it would be beneficial to go off the record this time.

I think it's better that -- you know, we've proposed a schedule that -- and Staff has proposed a general -- a schedule with some general dates. So I don't know if we're going to be able to get much closer than that.

I would, again, like to just go back to any idea of -- we do still have the appeal for the consolidation order pending. And so any links to the general rate case, I'd like to -- you know, right now they are separated, of course.

And so regarding any schedule that links the CEIP to the rate case, I'd like to, you know, again caution that, that I don't want to get into the -- get into the CEIP schedule and have people just say, well, we don't -- we're not ready to talk about that. We're not ready to settle because we want to wait and see what happens in the rate case.

So that's kind of PSE's concerns and why we've proposed a schedule that ends the CEIP by the end of the year, which is extremely important to PSE.

And so with that, I don't know what -- what more we're going to be able to -- what resolution we're going to be able to reach if we just go off the record
right now, but I'm certainly happy to.

JUDGE HOWARD: Well, I can appreciate that there are different -- there are competing interests at stake. This isn't an easy question to answer, and the Company is seeking review of that order denying consolidation.

I don't -- I don't think it's an easy issue, and it's -- it's not -- it's not a decision I'm making lightly by recommending the hearing date be later, as I am right now.

But with all that in mind, Staff did propose a procedural schedule over email. It looked like there were -- it was more of an outline of a schedule, and some of the dates need to be filled in.

I would turn to Staff. Would it be helpful for you to go off the record and discuss this with the other parties and at least have -- see if you can have some of the parties join you in proposing that?

MR. CALLAGHAN: Thank you, Your Honor. I believe that it would. I just wanted to get confirmation before we go off the record, though, that the schedule that you're looking for is one that incorporates the January 31st evidentiary hearing date; is that correct?

JUDGE HOWARD: That's right.
MR. CALLAGHAN: Okay. Yes, Your Honor. So Staff, I was able to speak with Ms. Barnett, but I haven't been able to speak to the other stakeholders. So I believe it would be helpful to go offline briefly and discuss.

JUDGE HOWARD: All right. Does any other party want to raise any concerns before we go off the record for a break for the parties to discuss this issue amongst themselves?

All right. I'm not hearing any concerns. Let's go off the record. We are off the record.

(A break was taken from 9:47 a.m. to 10:40 a.m.)

JUDGE HOWARD: Let's be back on record. We're coming back after a brief break -- recess for the parties to discuss the schedule.

As I understand, Staff has a proposed schedule, but there wasn't complete agreement from the parties.

So, Mr. Callaghan, would you like to present Staff's proposed schedule and describe the support as it is for the schedule from the other parties?

MR. CALLAGHAN: Thank you, Your Honor. I will do my best.

So after discussion with the other parties,
Staff is recommending a first settlement conference on June 23rd in the afternoon; a second settlement conference on August 16th; response testimony, a date of Monday, October 10th.

Your Honor, you did mention the possibility of having a settlement conference hearing date of October 24th and 25th. If that is possible, Staff would support saving that date in case we do reach settlement.

Staff would recommend rebuttal and cross-answering testimony due December 12th, and as you mentioned, Your Honor, an evidentiary hearing January 31st.

JUDGE HOWARD: All right. Thank you. The deadline for rebuttal and cross-answering testimony, that was December 12th?

MR. CALLAGHAN: Yes, Your Honor.

JUDGE HOWARD: All right. So I am aware that the Company has proposed its own schedule, and I have received that by email. I think after this prehearing conference today, I'm going to take a careful look at both what Staff is proposing, what the Company is proposing, and what the positions of any of the other parties are. So I will consider that when I enter the order.

But for now, Ms. Barnett, is there anything
you would like to address specifically with Staff's proposal?

MS. BARNETT: Nothing in -- no, Your Honor. We simply didn't really engage in the discussions around Staff's proposal because PSE just can't support a schedule that extends into 2023.

So thank you for your consideration of that. We do support a settlement hearing earlier in twenty -- before the end of the year, and would just like to remind everyone, I guess, that the CEIP has already been open for five months. So when we're talking about specific settlement dates, it has been some significant time that people have already been reviewing this proposal.

So with that, nothing further. Thank you.

JUDGE HOWARD: All right. Thank you.

Could I hear from Public Counsel if Public Counsel has any specific concerns or thoughts?

MS. SUETAKE: Thank you, Your Honor. This is Nina Suetake, for Public Counsel Unit. We support Staff's proposed schedule. The schedule takes into consideration the significant staffing, time constraints that are happening this year with the two GRCs on top of each other, as well as a large Telecom proceeding that is happening.
So we would prefer to keep these dates, understanding that if PSE's consolidation motion or petition for rehearing of that request is granted and that we'd have to redo the schedule anyway.

So given the requirements of what we have right now, this is what we would support.

JUDGE HOWARD: All right. Thank you.

Could I have AWEC's position?

MS. MOSER: Yes, Your Honor. Sommer Moser, on behalf of AWEC. We support PSE's schedule. We find value in an earlier resolution of this CEIP.

With that said, we did engage in dates. In Staff's proposed schedule, they all work for AWEC. So there's not a scheduling conflict. But, again, just support earlier resolution through PSE's schedule to the extent that an earlier hearing date could be accommodated.

JUDGE HOWARD: All right. Thank you.

Could I hear from The Energy Project?

MR. FFITCH: Thank you, Your Honor. Given the desires expressed from the Bench about the schedule, we support -- or we have no objection to the general outline that's been put forward by Staff. Not every single date in the schedule works for us, but we will work around the final schedule issued by the Bench.
Thank you, Your Honor.

JUDGE HOWARD: Thank you.

And could I hear from NWEC and Front and Centered?

MS. GOODIN: Your Honor, Amanda Goodin, with -- appearing on behalf of Front and Centered and NWEC. You know, as I think we've put forward already, we support a shorter schedule along the lines of what PSE has proposed.

We think that waiting to resolve this until a year and a half into the implementation period for the four-year plan will significantly prejudice our ability to influence the contents of the plan, which, of course, is the whole point of being able to challenge it via adjudication.

We did discuss dates with the other parties on Staff's schedule. We do agree and are available for both of these settlement conference proposed dates, the June 23rd and August 16th.

For response testimony, even if -- even if the Commission decides to schedule an evidentiary hearing in late January, early February, as I believe we suggested, we still see value in an earlier response testimony deadline. We would prefer a late August response testimony date even if the evidentiary hearing
is pushed into 2023.

We also support the October 24th, 25th
settlement hearing, scheduling that in case we're able
to resolve anything.

And I know, for cross-answering testimony, I believe the parties also said they would be available
for a deadline week of November 14th if the Commission
decides on an earlier response testimony date, which
is -- which is something we were not all able to agree
to.

JUDGE HOWARD: All right. Thank you.

And could I hear from Renewable Northwest?

MS. WARE: Yes. Katie Ware, on behalf of
Renewable Northwest. We participated in the discussion
around scheduling conflicts. None of those hard
conflicts are ours, so we're comfortable with the
outline Nash provided or the more expedited timeline
that some of the parties are hoping for. So we will
accommodate either way.

JUDGE HOWARD: All right. Thank you.

One issue that occurs to me right now is
that the Company's proposed schedule included dates for
submissions for intervenor funding. And I don't believe
that Staff's proposed schedule provides for those same
dates.
And under the interim agreement that the Commission has approved, normally the request for case certification and notices of intent to seek funding would be due at the prehearing conference or another date that the Commission sets.

So if -- if we were going to have those submissions in this case, I would likely address that in this prehearing conference order.

Do any of the intervenors intend to seek this funding in this case?

MS. GOODIN: Front and Centered does, Your Honor. I am not sure about the Energy Coalition. I will have to double check. But I know Front and Centered does.

MS. MOSER: Sommer Moser, for AWEC. I think we're comfortable with whatever dates are set per your prehearing conference memorandum. I don't think we anticipate there to be funding available after the rate case request for the customers representation trust fund.

To the extent there is, I think we'll evaluate seeking funding at that time. But I think, without knowing where funding in the rate case is going to land, it's a little difficult to say what we will seek or may seek here.
JUDGE HOWARD: All right. Thank you.

Was the court reporter able to catch that?

It was a little quiet.

THE COURT REPORTER: Yes, I heard it. Thank you.

JUDGE HOWARD: All right. Thank you.

Would any other party like to address the issue of intervenor funding? And I recognize AWEC's comment that we're not certain what the outcome is of the proposed budgets and the amounts approved by the Commission in the other docket. So this might be something too that requires some evaluation later by the parties. But would anyone else like to address this issue?

MS. GOODIN: I guess I would just flag that, you know, there are parties, and, you know, Front and Centered has signaled its intent to seek funding in this docket and did signal that intent in their submission in the rate case as well, which is quite modest.

And I would hope the Commission would take that into account in making decisions in that docket, you know, assuming the Commission keeps these separate, you know, to not -- to not let this docket go begging just because the timeline for the rate case is more accelerated.
JUDGE HOWARD: Thank you. I think that's a fair point.

So I'm going to move on to a couple of other issues that are related to the procedural schedule. And as I said, I will take all of this under consideration when I am writing this order following our conference today.

Turning to the issue of discovery, I want to be -- I want to caution the parties be judicious in their use of discovery. This is a case involving a new type of filing, which overlaps in some respects with the pending general rate case.

Discovery may not be used as a fishing expedition. If the parties have a discovery dispute, they should attempt to work those out. But if they cannot, they should bring any motions to the Commission for resolution.

I also want to address some specific issues regarding discovery. I don't believe that this was addressed in either of the proposed schedules from either the Company or Staff. But would the parties have any objection to identifying each data request by topic? Would that be helpful? Would that not be helpful?

MR. CALLAGHAN: Staff believes that that would be helpful. That's a common practice that we've
implemented in -- in GRCs in recent years.

MS. SUETAKE: Public Counsel has no objection.

MR. FFITCH: Any support staff is a very helpful practice.

JUDGE HOWARD: All right. I would -- I would intend to include that requirement in the prehearing conference order in that case, unless there are any further -- any other party would like to indicate an objection to that.

All right. Hearing none. And, again, I don't believe that this was addressed in the proposed schedule, but would the parties want to shorten the response time for data requests after a certain point in the proceeding?

I would turn first to the Company for -- for their proposed schedule.

MS. BARNETT: We have no objection to shortening it in -- along the lines as with a general rate case. We're used to that. So no objection here.

JUDGE HOWARD: All right. I would turn to Staff.

MR. CALLAGHAN: No objection, Your Honor.

JUDGE HOWARD: Would any other party have any concerns or objections to that proposal?
All right. Hearing none.

And we also commonly include a requirement that the parties -- that any data requests and responses are shared with every other party to the proceeding, and we would include such a requirement in the prehearing conference order.

Is there any objection from any of the parties to including such a requirement in this order?

MS. BARNETT: No objection.

JUDGE HOWARD: All right. Thank you.

Hearing no objections, I would plan to include that.

I did note that there does not appear to be a protective order in this docket. Am I correct with that, Ms. Barnett?

MS. BARNETT: That's correct. We haven't moved for that, but probably appropriate for a standard protective order.

JUDGE HOWARD: Will the -- does the Company intend to move for that?

MS. BARNETT: I hadn't -- we hadn't discussed that, honestly, but the -- but I do probably anticipate there will be confidential information requested. So I move -- I think it's appropriate we move for that now.

JUDGE HOWARD: All right. I would take that
as your oral motion for a protective order.

   MS. BARNETT: Yeah.

JUDGE HOWARD: And I -- are there any
responses from any of the parties?

   MR. CALLAGHAN: No objection from Staff,
   Your Honor.

   MS. SUETAKE: No objection from Public
   Counsel.

JUDGE HOWARD: All right. Thank you. I
would grant PSE's motion for a protective order. And I
am construing that as simply requesting a protective
order with our normal protections for confidential
information; is that correct?

   MS. BARNETT: Correct, yeah. Standard
protective will be fine. If we find we are requesting
highly confidential, we will move for a protective order
for highly protective provisions at that time.

JUDGE HOWARD: All right. Okay. I just
have a few minor issues to touch on before we adjourn
today.

   So in terms of electronic filing and
   electronic service, the Commission requires electronic
   filing of documents for formal filing. We are
   continuing to suspend the requirements for paper copies
   and documents in light of the COVID-19 pandemic, and
that will be memorialized in the prehearing conference order.

Also, the Commission's rules provide for electronic service of documents. The Commission will serve the parties electronically and the parties will serve each other electronically.

If any party has not yet designated a lead representative for service, please do so via an email to me as soon as possible. My email is Michael.Howard@utc.wa.gov.

Also, if anyone would like to add names and email addresses of other representatives or support staff who should receive electronic courtesy copies of all documents filed in this proceeding, please email that to us as well.

And finally, there is the issue of errata sheets. And I am not certain if that was addressed in the proposed schedule from either the Company or Staff. We typically set this for a week prior to the evidentiary hearing.

Are there any objections to including such a requirement in this prehearing conference order?

MR. CALLAGHAN: No objection, Your Honor.

MS. BARNETT: None from the Company.

MS. SUETAKE: None from Public Counsel.
JUDGE HOWARD: All right. Hearing no objections, I will plan on including such a requirement. Is there anything else that we should address today before we adjourn?

MS. BARNETT: I would like to add, I think we've asked for it in the notice of appearance, but if you could add PSEDRS@perkinscoie.com for a courtesy service, I would appreciate that. But nothing further from PSE.

JUDGE HOWARD: All right. Thank you. And I have made a note of that courtesy service address.

MS. BARNETT: Thank you.

JUDGE HOWARD: Anything else from any of the parties that we should address?

MS. GOODIN: Your Honor, I neglected to raise this with the other parties in our informal discussion, and that was my oversight, but I don't believe we have a date for a public comment hearing as part of the proposed schedule. And we do feel strongly that there be at least one, and perhaps two public comment hearings. Perhaps one in the evening and one during the day.

We are happy to discuss offline dates that would work for that, but we feel that is an important part of the schedule.
JUDGE HOWARD: I agree and -- that there should be a public comment hearing in this case. I did see that in Staff's proposed schedule, it's a to be determined date, and we frequently will note that so that Public Counsel and Staff and the other parties work out a public comment hearing date and they schedule that with the -- based on the Commissioners' availability.

Were there -- I believe there was a concern -- in Front and Centered's earlier comments, I believe there was a concern that it should be held sometime in the summer; am I right?

MS. GOODIN: Your Honor, that was when we were still looking at the possibility of consolidation. I don't think that we are wed to a specific date, but we want to make sure we -- that it happens early enough for parties and for the Commission to have the positions informed by -- by that hearing.

And I would just also note for the Commission and for other parties, we do plan to ask PSE to consult with its advisory groups, especially including its Equity Advisory Group, on any significant settlement proposal or developments in this docket, given their major role in the development of the CEIP.

JUDGE HOWARD: All right. I will have to consider that last point. I'm not sure if that's within
the scope of my prehearing conference order, but that
is -- that is a valid point to consider.

Ms. Suetake, would you like to address
anything about the public comment hearing?

MS. SUETAKE: Yes, Your Honor. I agree
with -- with counsel for NWEC and Front and Centered
that we should have public comment hearings. I guess
I'm open to just leaving it TBD for now, to give us more
time off the record to determine what date would be best
for everybody. And we'd also support having a daytime
hearing if the parties think that that would be more
helpful to people actually intervening.

Also, with regard to settlement, sharing
with the EAG, I was curious if -- if counsel intended it
to be part of the negotiation of settlement or once the
settlement has been reached because there are settlement
confidentiality rules. And so I was kind of hoping for
some clarification there.

MS. GOODIN: Yes, thank you. We understand
there are confidentiality constraints that we would all
have to take into consideration. I guess our -- our
main feeling is that, you know, it's the first major
document to implement equity mandates that are new under
Washington law.

PSE did turn to an advisory committee to
help define these, and we don't -- we would like to see
them consult with that committee before kind of
finalizing any significant change in direction that
would implicate work that they did on this document.

So we don't have a fully fleshed out
proposal for what that would look like, and we do
understand the confidentiality constraints. And I don't
think we were envisioning having the entire advisory
committee be part of the negotiation process, for
example, but we would like to talk with the Company and
other parties about how to make that possible.

JUDGE HOWARD: Ms. Barnett, would you like
to respond to that?

MS. BARNETT: No, I support having those
discussions and -- in line with the confidentiality
rules. And PSE has been keeping the EAG up to date so
far. So I'm sure we don't have any objection to
continuing that within the -- everyone's expectations
and understanding.

JUDGE HOWARD: All right. Thank you all. I
think that in terms of -- I'm -- I may not include that
as any sort of instruction or requirement in the
prehearing conference order, but it does sound that that
is the Company's practice at the present time, and they
do have to -- I imagine that there is some balancing of
these concerns with the confidentiality of negotiations.

Is there anything else we should address before we adjourn?

MS. SUETAKE: Your Honor, this is Nina Suetake from Public Counsel Unit. I -- I am concerned about not putting that in an order because it would be new to have settlement -- items that have been discussed in settlement, you know, disclosed to additional parties. I feel like that we should be given guidance in the form of the order there.

I do not object to sharing that sort of information with the Equity Advisory Group. I think that's a good idea. I just want to make sure that the actual content of negotiations or -- because none of those settlements are final until they are filed. They all constitute negotiation positions up until the point they're filed. So I think it would be more helpful to have that in an order.

MS. BARNETT: And, Your Honor, I think this is probably opening it up to I think more than -- than we anticipated to discuss at the prehearing conference. I think, to the extent that the parties have differing understandings of what is going to be confidential for settlement and what isn't, that this -- this probably be not put on the -- in the order.
I think, as far as public information and
certainly through a public comment hearing and anything
that's in the document is public, I don't see how
specific conversations with the EAG is -- is going to go
in light of the settlement rules.

So I guess, you know, I have no problem with
sharing public information, but to the extent there's
specific discussions with the EAG, I don't know how that
would go. So I'm a little concerned.

JUDGE HOWARD: Yes, I would take -- I
would -- I'm understanding Public Counsel's concern
about the information PSE is taking and then describing
to the EAG members because that implicates the
confidentiality of negotiations, if I'm understanding
that right.

And I think that is -- I mean, it's -- it's
the -- the interests of having that participation and
that input on those equity issues against the
countervailing interests of -- of protecting the
negotiation process and allowing that to work.

And I am going to take Public Counsel's
point here about guidance in the order under
consideration, and I'm going to give that some thought.
I'm not really sure how I will precisely address it.
But it is -- it is an interesting issue to address, and
we will possibly comment on that.

All right. Anything else before we adjourn?

Hearing nothing further, I will issue an order shortly containing the procedural schedule and other guidelines for the disposition of this case. We are adjourned. Thank you.

(Adjourned at 11:05 a.m.)
CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse, CCR 3358