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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)Docket PG-041209
Complainant,)Volume I
)Pages 1-7

5

v.)

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PUGET SOUND ENERGY, INC.,)
Respondent.)

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A pre-hearing conference in the

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above-entitled matter was held at 1:33 p.m. on

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Monday, June 27, 2005, at 1300 South Evergreen Park

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Drive, S.W., Olympia, Washington, before

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Administrative Law Judge C. ROBERT WALLIS.

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The parties present were as follows:

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PUGET SOUND ENERGY, INC., by Sheree
Strom Carson, Attorney At Law, Perkins Coie, LLP,
10885 N.E. Fourth Street, Suite 700, Bellevue,
Washington 98004 (appearing via teleconference
bridge.)

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COMMISSION STAFF, by Christopher
Swanson, Assistant Attorney General, 1400 South
Evergreen Park Drive, S.W., P.O. Box 40128, Olympia,
Washington, 98504-0128.

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Barbara L. Nelson, CCR

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Court Reporter

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1 JUDGE WALLIS: Let's be on the record,
2 please. The pre-hearing conference will please come
3 to order. The Commission has set at this time and
4 place a pre-hearing conference in Commission Docket
5 Number PG-041209, which is a complaint by the
6 Washington Utilities and Transportation Commission
7 against Puget Sound Energy.

8 This conference is being held in Olympia,
9 Washington, on June 27 of the year 2005, before
10 Administrative Law Judge C. Robert Wallis. Let's get
11 appearances at this time, please. For the
12 Complainant.

13 MR. SWANSON: Chris Swanson, Assistant
14 Attorney General, and street address is 1400 South
15 Evergreen Park Drive, S.W., P.O. Box 40128, Olympia,
16 Washington 98504-0128. Area code 360-664-1220; fax,
17 360-586-5522; e-mail, cswanson@wutc.wa.gov. thank
18 you.

19 JUDGE WALLIS: Thank you. For the
20 Respondent.

21 MS. STROM CARSON: This is Sheree Strom
22 Carson, with Perkins Coie, for Puget Sound Energy.
23 The street address is 10885 N.E. Fourth Street, Suite
24 700, Bellevue, Washington, 98004-5579. Phone is
25 425-635-1422; fax, 425-635-2422; and my e-mail is

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1 scarson@perkinscoie.com.

2 JUDGE WALLIS: Thank you. Let me ask now
3 whether there is any person in this room or on the
4 bridge line that would desire to petition for
5 intervention to represent a party in the proceeding?
6 Let the record show that there is no response.

7 Do the parties believe that a protective
8 order would be appropriate or necessary in this
9 docket?

10 MS. STROM CARSON: Your Honor, Puget Sound
11 Energy thinks that it may be necessary, depending on
12 the scope of discovery. We'd like to reserve the
13 right to request that at a later time.

14 JUDGE WALLIS: For Commission Staff?

15 MR. SWANSON: That's fine. If it comes up,
16 we can certainly address it at that time, but at this
17 point, the proposal of Puget Sound Energy is fine.

18 JUDGE WALLIS: Very well. We will reserve
19 that issue and, if it is necessary, the parties may
20 request it.

21 Do the parties desire that the Commission's
22 discovery rules be invoked in this docket?

23 MR. SWANSON: Yes, myself and Ms. Strom
24 Carson have discussed this, and I believe that we
25 agree that the discovery rule should be invoked.

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1 JUDGE WALLIS: Very well. It will be done.
2 Have the parties discussed a procedural schedule?

3 MR. SWANSON: Yes, the parties have agreed
4 to a proposed procedural schedule to be considered by
5 yourself, Judge, and I can provide a copy to you, if
6 that would be helpful.

7 JUDGE WALLIS: Please. I will note for the
8 record that I am not the assigned administrative law
9 judge in this docket. Judge Moss has been assigned,
10 and he is unavailable today, so I am filling in for
11 him.

12 MR. SWANSON: And do you mind if I explain a
13 little bit, Judge, since it's a little bit different
14 than the typical procedural schedule?

15 JUDGE WALLIS: Please proceed.

16 MR. SWANSON: Okay. The parties, in
17 discussing this case, felt that, through the informal
18 discovery that's already occurred, feel that, in all
19 likelihood, we can agree to the facts, that is, come
20 to a stipulation of facts to be filed, and that,
21 based on that stipulation of facts, that all that
22 would remain -- or we feel that all that will remain
23 are legal issues that can be dealt with on a motion
24 for summary determination by both sides.

25 The parties wanted to put in a settlement

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1 conference just in case -- to have that as an issue
2 or a potential issue if the parties were able to
3 agree following a discovery period July 1st. The
4 hope is that that discovery period will allow the
5 parties to gain enough information, to make the
6 stipulation of facts possible and, again, they're
7 confident they can do that. Or I can speak for my
8 client. My client's confident that hopefully that
9 can happen.

10 If for some reason it doesn't, the parties
11 understand or agree that they may need to come back
12 to the Commission to ask for a different procedural
13 schedule. And they also understand that the
14 Commission or the presiding officer may decide that,
15 following those motions, there are additional issues
16 that may need to be dealt with and understand that if
17 that were to occur, we'd have to go from there with a
18 different type of a procedural schedule.

19 Does that cover it, Ms. Carson?

20 MS. STROM CARSON: Yeah, yeah, we agree with
21 that.

22 JUDGE WALLIS: Very well. Are you
23 anticipating that the administrative law judge will
24 enter an initial order?

25 MR. SWANSON: Yes, I believe that's what

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1 we're anticipating. I'll let Ms. Strom Carson speak
2 for PSE.

3 MS. STROM CARSON: Yes, an initial order
4 setting forth what we've talked about today?

5 JUDGE WALLIS: No. At the conclusion of the
6 proceeding that you have outlined in this schedule,
7 the reason I ask is that, without a written hearing
8 record, the Commissioners may be in as good a
9 position to review the material as the ALJ would, and
10 it's up to the parties whether you desire the
11 administrative law judge to enter an initial order,
12 which can be reviewed by the Commissioners, or
13 whether you wish that the file be submitted directly
14 to the Commissioners with the assistance of the ALJ
15 for a decision?

16 MR. SWANSON: And Your Honor, I haven't ran
17 that by my client, so if it would be possible to go
18 off the record for a moment to ask them, Staff would
19 appreciate it.

20 JUDGE WALLIS: That would be possible. It's
21 also possible if you would like some time to think
22 about it, to get back to me tomorrow and -- with your
23 decision, and then we will prepare the schedule
24 accordingly.

25 MR. SWANSON: That would be fine.

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1 JUDGE WALLIS: Ms. Carson?

2 MS. STROM CARSON: Yeah, that would work
3 well for us, too.

4 JUDGE WALLIS: Very well. All right. Is
5 there anything further?

6 MR. SWANSON: Nothing for Commission Staff.

7 MS. STROM CARSON: Nothing for Puget.

8 JUDGE WALLIS: Very well. My
9 congratulations to everyone. I wish all conferences
10 went this smoothly. Thank you for the preparatory
11 work that you engaged in. We will await the parties'
12 decisions on whether to waive or not to waive an
13 initial order in this docket and, upon receiving that
14 information, a pre-hearing conference order will be
15 entered. And as I indicated, Judge Moss will be
16 presiding over the contested issues in this docket.

17 Thank you very much.

18 MR. SWANSON: Thank you.

19 MS. STROM CARSON: Thank you.

20 JUDGE WALLIS: This conference is adjourned.

21 (Proceedings adjourned at 1:41 p.m.)

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