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BEFORE THE WASHINGTON STATE

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UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)

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vs.) DOCKET UW-112182

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BETTY LU MILLER d/b/a NORTHWEST)
WATER SYSTEM)

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9

PREHEARING CONFERENCE

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Pages 1-14

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ADMINISTRATIVE LAW JUDGE ADAM TOREM

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11:00 A.M.

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JULY 2, 2012

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Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
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A P P E A R A N C E S:

ADMINISTRATIVE LAW JUDGE:

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* * * * *

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1 OLYMPIA, WASHINGTON FEBRUARY 2, 2012

2 11:00 A.M.

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4 P R O C E E D I N G S

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6 JUDGE TOREM: On the record. This is Judge
7 Adam Torem at the Utilities and Transcription Commission.
8 It's Monday, July 2, 2012. It's a little after 11:00 this
9 morning.

10 We're doing a pre-hearing conference in
11 Docket UW-112182. This is the Washington Utilities and
12 Transportation Commission vs. Betty Lu Miller, D/B/A
13 Northwest Water System.

14 And let me go ahead and take appearances from
15 the Commission.

16 MS. CAMERON-RULKOWSKI: On behalf of the
17 commission staff, Jennifer Cameron-Rulkowski, Assistant
18 Attorney General. My address is 1400 South Evergreen Park
19 Drive Southwest, Olympia, Washington, 98054-0128. My e-mail
20 address is jcameron@wutc.wa.gov. My telephone number is
21 360-664-1186, and fax number is 360-586-5522.

22 JUDGE TOREM: And on behalf of the respondent
23 I have on the telephone today Mr. Finnigan.

24 MR. FINNIGAN: Yes, Richard Finnigan. The
25 address is 2112 Black Lake Boulevard SW, Olympia,

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1 Washington, 98512. The e-mail address is
2 rickfinn@localaccess.com. My phone number is 360-956-7001,
3 fax 360-587-3852.

4 JUDGE TOREM: All right. Thank you.

5 I understand that this case came up in a
6 tariff filing last year in December, went before an open
7 meeting in January.

8 And at that point an Order 01 in the case, a
9 complaint and order suspending the tariff revision was
10 entered, I believe on the 26th of January.

11 And then we had a recent letter waiving the
12 expiration of a suspension period for another 45 days. That
13 letter came in on the 10th of April.

14 And we stand today with a pre-hearing
15 conference and the need for scheduling -- I'm not sure if
16 it's pre-hearing testimony to be filed or what.

17 Ms. Cameron-Rulkowski, what's the typical
18 water rate case that we're looking at here?

19 MS. CAMERON-RULKOWSKI: Typically we pre-file
20 direct testimony, and then have our hearing and briefing
21 following that.

22 JUDGE TOREM: All right. Mr. Finnigan, does
23 that meet with your expectations as well, to be setting some
24 dates for filing of testimony and a hearing today?

25 MR. FINNIGAN: That will be fine.

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1 JUDGE TOREM: And have the two of you reached
2 some sort of agreement as to our estimated dates when we
3 want to schedule this hearing?

4 MR. FINNIGAN: Your Honor, Counsel did send
5 me a set of dates. They all look fine to me with one
6 exception, and I think we can probably stip it.

7 The exception is having the separate day on
8 September -- October 9 to pre-mark exhibits. I don't think
9 this case is going to be so big that that's going to be
10 required.

11 And I don't think we need two days of
12 hearing. I think just one day of hearing.

13 But other than that, the schedule as proposed
14 is fine by me.

15 JUDGE TOREM: Okay. Ms. Cameron-Rulkowski,
16 if you will enlighten me as to the proposed schedule?

17 MS. CAMERON-RULKOWSKI: Yes, your Honor. And
18 skipping the pre-hearing conference to mark exhibits is
19 perfectly acceptable to staff. And I'd be happy to send you
20 -- e-mail a copy of that following this pre-hearing
21 conference.

22 JUDGE TOREM: All right. So just for the
23 record, what I'm seeing here, Mr. Finnigan, is a
24 recommendation that pre-filed testimony come in first on
25 August 9, and those will come in from your client.

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1 Responsive testimony from Commission staff
2 would come in on September the 13th, so essentially a little
3 more than a month later.

4 And then rebuttal testimony from your client,
5 Northwest Water System, at the end of the month, two weeks
6 later, September 27.

7 We do a hearing on October 11 for one day.
8 And then if necessary, post-hearing briefs.

9 And the suspension period would end in
10 January of next year.

11 So you've reviewed that, I take it, by e-mail
12 and approved of all those dates that I just recited?

13 MR. FINNIGAN: Yes.

14 JUDGE TOREM: All right. Let me check the
15 calendar to make sure that the October date will work for
16 hearing for availability of facilities here and myself as
17 the judge.

18 Do you know which day of the week that was?

19 MS. CAMERON-RULKOWSKI: Thursday.

20 JUDGE TOREM: Okay. So is there anything
21 else we can do on the record real quick now, which will only
22 take a quick second to check.

23 MR. FINNIGAN: Two things that we usually do
24 is to invoke the discovery rule and confirm that a
25 protective order will be issued, standard protective order.

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1 JUDGE TOREM: Right. Okay. And I think we
2 can do that before we go on the break.

3 Is there any objection to invoking the
4 discovery rules in this case?

5 MS. CAMERON-RULKOWSKI: None. Staff would
6 also like to have discovery.

7 And Staff would like to discuss discovery
8 with Mr. Finnigan because there are some outstanding
9 informal data requests currently.

10 JUDGE TOREM: So let's go ahead in the
11 pre-hearing conference order that I'll issue later today or
12 tomorrow and invoke the discovery rules.

13 And I can go ahead and issue the standard
14 protective order for just regular confidential information,
15 not highly confidential?

16 MS. CAMERON-RULKOWSKI: That's acceptable to
17 Staff. From Staff's perspective, I don't know what might be
18 confidential in this case. Mr. Finnigan certainly has
19 better idea, I'm sure.

20 JUDGE TOREM: All right. Well, he'll have
21 that with his testimony based on his request.

22 Mr. Finnigan, are you expecting anything
23 beyond the standard protective order, beyond confidential?

24 MR. FINNIGAN: No. There may be -- the
25 reason for for the protective order is there may be some

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1 financial information that would be confidential, but that's
2 the only thing I can anticipate.

3 JUDGE TOREM: Okay. So we've taken care of
4 those two items.

5 Let me step out. I'll let you go off the
6 record now. It's about seven minutes after 11:00. Why
7 don't you take a couple of minutes to talk about the
8 outstanding data requests. And when you're done with that,
9 come and grab me. We'll go right back on and finalize
10 things.

11 MS. CAMERON-RULKOWSKI: Thank you, your
12 Honor.

13 JUDGE TOREM: We're off the record.

14 (Whereupon, a recess was taken
15 from 11:06 to 11:15 a.m.)

16 JUDGE TOREM: Back on the record at 11:15.

17 I've checked the calendar. We could do that
18 date as requested, October 11, but it would have to be in
19 this room, Room 190.

20 If we wait another week, we can have Room 206
21 on the 18th.

22 MR. FINNIGAN: I think Room 108 will be fine.

23 JUDGE TOREM: Okay. Is it going to be a
24 one-day hearing?

25 MR. FINNIGAN: I can't imagine it being more

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1 than that. I think there's probably going to be only two,
2 maybe three witnesses?

3 MS. CAMERON-RULKOWSKI: I would expect we
4 wouldn't need more than a day, especially with pre-filed
5 testimony.

6 JUDGE TOREM: Okay. Then I can make October
7 11 work for my schedule as well.

8 So we can go ahead and take that one Thursday
9 date and put it on the calendar with the rest of these other
10 suggested dates. And I'll have you e-mail that set to me
11 about which days for filing.

12 So is there anything else that we needed to go
13 over schedule-wise aside from the pre-filed testimony
14 deadlines?

15 MS. CAMERON-RULKOWSKI: Your Honor, I would
16 just point out that we've consulted, and the suspension -- I
17 can't read upside down, sorry. The suspension period will
18 end January 15, 2013.

19 JUDGE TOREM: Okay. So I will be issuing a
20 pre-hearing conference order memorializing these dates.

21 And then I can also issue the standard
22 protective order with that simulataneously.

23 And we'll set the order for October 11 and
24 we'll start at 9:30 in the morning. And we'll do it in Room
25 108.

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1 And we'll sort out the need for post-hearing
2 briefs. We've got the targeted date of November 15, but
3 whether that needs more or less, depending on how many
4 issues are presented or resolved, we can finalize that at
5 the hearing in October.

6 And did you have a chance to work out any of
7 the other informal discovery issues at this time?

8 MR. FINNIGAN: We're working on them.

9 JUDGE TOREM: Excellent. Hopefully that can
10 be done satisfactorily without involving anybody else from
11 the admin law division. If there's a need for that, though,
12 if you need a settlement judge or anything else, I know both
13 of you are more than familiar with the procedures.

14 Anything else for me today?

15 MS. CAMERON-RULKOWSKI: Nothing from Staff,
16 your Honor.

17 JUDGE TOREM: Okay. Nothing else from you,
18 Mr. Finnigan?

19 MR. FINNIGAN: No, your Honor.

20 JUDGE TOREM: We'll go off the record. I'll
21 sign the sheet to order the transcript here, and if anybody
22 wants a copy, please let the court reporter know.

23 And I'll leave the phone line on so you can
24 continue any discussions you need.

25 MS. CAMERON-RULKOWSKI: We're done.

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1 MR. FINNIGAN: I think we're done.

2 JUDGE TOREM: Well, thank you, Mr. Finnigan.

3 Talk to you over the course of the summer.

4 MR. FINNIGAN: Thank you very much.

5 (Whereupon, the proceedings were

6 concluded at 11:17 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

I, Elizabeth Patterson Harvey, a Certified Court Reporter and Notary Public 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of July, 2012.

ELIZABETH PATTERSON HARVEY, CCR RPR

My commission expires:
JUNE 2012