

Docket No. UE-220701 - Vol. I

Argunov, et al. v. Puget Sound Energy

October 24, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

ALEXANDER AND ELENA ARGUNOV,) DOCKET UE-220701
 THOMAS AND HEIDI JOHNSON,)
 CHAD AND VICTORIA GROESBECK,)
)
 Complainants,)
)
 vs.)
)
 PUGET SOUND ENERGY,)
)
)
 Respondent.)

VIRTUAL PREHEARING CONFERENCE, VOLUME I

Pages 1-17

ADMINISTRATIVE LAW JUDGES SAMANTHA DOYLE
AND GREGORY J. KOPTA

October 24, 2022

2:30 p.m.

Washington Utilities and Transportation Commission
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ALEXANDER & ELENA ARGUNOV
HEIDI JOHNSON
VICTORIA GROESBECK

* * * * *

1 LACEY, WASHINGTON; OCTOBER 24, 2022

2 2:30 P.M.

3 --o0o--

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

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6
7 JUDGE DOYLE: Good afternoon. We're here
8 today for a prehearing conference in Docket UE-220701,
9 which is captioned Alexander and Elena Argunov, Thomas
10 and Heidi Johnson, Chad and Victoria Groesbeck,
11 complainants, versus Puget Sound Energy.

12 Today is Monday, October 24th, 2022, and the
13 time is approximately 2:30 p.m.

14 My name is Samantha Doyle. I use she/her
15 and they/them pronouns. With me today is Gregory Kopta,
16 who uses he/him pronouns. We are administrative law
17 judges with the Washington Utilities and Transportation
18 Commission, and we will be copresiding in this matter.

19 This prehearing conference is going to be a
20 chance for the parties to discuss the nature and
21 schedule of the proceeding. Judge Kopta and I have read
22 the complaint and PSE's response.

23 You will not be providing any testimony or
24 arguments in support of your complaint today, but this
25 conference is a chance for us to clarify the issues and

1 discuss the procedures in the case.

2 The Commission conducts two types of
3 adjudications. In the standard adjudication, the
4 parties file written testimony in advance of the hearing
5 which is then subject to cross-examination during the
6 hearing, followed by written briefs by each party in
7 support of their position on the disputed issues.

8 The second type is a brief adjudicative
9 proceeding, or a BAP. Parties in the BAP file any
10 written documents they want the Commission to consider a
11 few days before the hearing at which time they will
12 present their documents and oral testimony subject to
13 cross-examination by the other parties. Each party may
14 then make an oral statement in support of their
15 position. This is often best when there are parties
16 representing themselves and/or the issues are relatively
17 straightforward.

18 We will hear from each of the parties in a
19 minute on their positions with respect to which
20 procedure they prefer.

21 Let's start by taking appearances, and by
22 appearances, we simply mean that you identify yourself.

23 Let's begin with the complainants. Please
24 state your name and address for the record, spelling
25 your last name for the court reporter. Feel free to

1 provide your pronouns if you'd like.

2 Want to start with Alexander or Elena?

3 MS. ARGUNOV: Hello. My name is Elena
4 Argunov, and my home address is 1550 Old Cedars Road,
5 Cle Elum, ZIP code 98922.

6 JUDGE DOYLE: And can you please spell your
7 last name for the record?

8 MS. ARGUNOV: Oh, sorry. It's A-R, as
9 Rogers, G, as George, U, as umbrella, N, as Nick, O, as
10 olive, and V, as Victor, Argunov.

11 JUDGE DOYLE: Thank you. And an email
12 address, please.

13 MS. ARGUNOV: It's eargunov@gmail.com.

14 JUDGE DOYLE: And was that Alexander? Were
15 you attempting to speak there? Or somebody else? Oh,
16 go ahead, Alexander.

17 MR. ARGUNOV: My name is Alexander Argunov,
18 Elena's husband. Address, it's 1550 Old Cedars Road, in
19 Cle Elum, 98922. And Argunov, A-r-g-u-n-o-v.

20 JUDGE DOYLE: Thank you.

21 And Thomas or Heidi Johnson?

22 MS. ARGUNOV: Heidi, we cannot hear you.

23 JUDGE DOYLE: Yeah, you're on mute, Heidi.

24 MS. ARGUNOV: Bottom left corner.

25 MS. JOHNSON: Can you hear me now?

1 MS. ARGUNOV: Yep.

2 MS. JOHNSON: Heidi, H-e-i-d-i, Johnson,
3 J-o-h-n-s-o-n, Thomas Johnson, T-h-o-m-a-s Johnson. He
4 is not here at this time. Our address is 1340 Old
5 Cedars Road. That is also in Cle Elum, C-l-e, space,
6 E-l-u-m, Washington 98922.

7 JUDGE DOYLE: And best email for you?

8 MS. JOHNSON: Best email for me is
9 h.e.johnson, J-o-h-n-s-o-n, @comcast.net.

10 JUDGE DOYLE: Perfect. Thank you.

11 And Chad and Victoria?

12 MS. GROESBECK: Hello. This is Victoria.
13 Chad is also not able to make it. Victoria Groesbeck.
14 Address, 971 Old Cedars Road, also Cle Elum, Washington
15 98922. Groesbeck is G-r-o-e-s-b-e-c-k. Best email is
16 the one on file with my maiden name, which is
17 victoriamcfarland, M-c-f-a-r-l-a-n-d, 24@hotmail.com.

18 JUDGE DOYLE: Great. Thank you.

19 And next, for Puget Sound Energy?

20 MR. STARKEY: Good afternoon. Byron
21 Starkey, with Perkins Coie, on behalf of Puget Sound
22 Energy. With me today is also Sheree Carson.

23 JUDGE DOYLE: Thank you.

24 And for Staff?

25 MR. CALLAGHAN: Nash Callaghan, Assistant

1 Attorney General, on behalf of Commission Staff.

2 JUDGE DOYLE: And for Public Counsel.

3 MS. GAFKEN: Good afternoon. Lisa Gafken,
4 Assistant Attorney General, on behalf of Public Counsel.

5 JUDGE DOYLE: Thank you.

6 And that brings us to checking in if there
7 are any -- if there's anyone on the line to -- that
8 wanted to petition for intervention. There was none
9 filed, but I just wanted to make sure.

10 MS. ARGUNOV: Always good to double check.

11 JUDGE DOYLE: Okay. Hearing none, let's
12 proceed.

13 So now we will address which procedure we
14 will use to resolve the disputed issues. This is a
15 straightforward case; however, we did see that that were
16 some proposed schedules by the other parties.

17 So let's take turns and check in and see
18 with each party whether they would like to proceed with
19 a BAP or a standard adjudicative -- or a standard
20 proceeding. We'll start with the complainants.

21 MS. ARGUNOV: I would agree with Public
22 Counsel's schedule.

23 JUDGE DOYLE: Okay. For a standard
24 proceeding?

25 MS. ARGUNOV: Yes.

1 JUDGE DOYLE: Filed testimony --

2 MS. ARGUNOV: It's just, I think November
3 8th is just too -- too close to today's meeting, so I
4 would just prefer to have it in December.

5 JUDGE DOYLE: Okay. And to clarify, the
6 first -- the December would be for an initial settlement
7 conference.

8 MS. ARGUNOV: Mm-hmm, that's correct.

9 JUDGE DOYLE: Okay. And then would --
10 Mrs. Johnson?

11 MS. JOHNSON: That's fine as well.

12 JUDGE DOYLE: Okay. And Mrs. Groes- --
13 Groesbeck? Sorry. Apologies.

14 MS. GROESBECK: Yep, that is a preferred
15 date for us as well.

16 JUDGE DOYLE: Okay. We -- I saw that Staff
17 had weighed in and also agreed with Public Counsel's
18 proposed schedule. Would the Company like to speak to
19 that?

20 MR. STARKEY: Yeah, I think the only issue
21 with Public Counsel's proposed schedule is the hearing
22 date of the 30th. There is a conflict with that. I'll
23 be in a trial.

24 JUDGE DOYLE: Do you have an alternative
25 proposed date that you would like us to consider for

1 March?

2 MR. STARKEY: Yes. I sent around an
3 alternative date just before and that was -- I proposed
4 February 22nd, but we're also open to a date in March as
5 well.

6 JUDGE DOYLE: Given that there is almost
7 agreement, would the parties like a short period of
8 time, five to ten minutes, to convene together? Judge
9 Kopta and I will leave the room and allow you to discuss
10 whether or not you have an agreement on a proposed
11 hearing date. And if you don't, we can hear all of your
12 proposals and take it into consideration. Does five or
13 ten minutes seem like enough time?

14 MR. CALLAGHAN: I think it would be, Your
15 Honor.

16 MS. JOHNSON: That's fine.

17 JUDGE DOYLE: Is five okay?

18 MR. JOHNSON: Five is fine.

19 JUDGE DOYLE: All right. Well, let's be off
20 the record and Judge Kopta and I will return at 2:45.

21 (A break was taken from
22 2:40 p.m. to 2:55 p.m.)

23 JUDGE DOYLE: Let's be back on the record.
24 The parties have agreed on a procedural schedule. And I
25 will now ask for Staff to please read into the record.

1 MR. CALLAGHAN: Thank you, Your Honor. I
2 was -- didn't get a chance to write down the dates as we
3 were going through them. I believe Mr. Starkey has the
4 exact dates written down.

5 MR. STARKEY: I do, Your Honor. Thank you.
6 We have the initial settlement conference as December
7 7th; we have the opening testimony on January 10th;
8 responsive testimony on February 9th; rebuttal testimony
9 is February 24th; the discovery deadline is March 6th;
10 and then the evidentiary hearing on March 14th.

11 JUDGE DOYLE: Okay. And to confirm, you
12 said the discovery deadline was March 6th and the
13 evidentiary hearing for the 14th?

14 MR. STARKEY: Yes, Your Honor.

15 JUDGE DOYLE: Great. Slow to respond here.

16 Okay, great. Thank you everyone for giving
17 your proposed schedules or the agreed upon schedule.
18 And I will confirm that the Commission -- that works for
19 the Commission and incorporate it into the prehearing
20 conference order.

21 Would the parties prefer to make -- well,
22 would the parties prefer to make oral arguments at the
23 conclusion of the hearing or file post hearing briefs?

24 MR. CALLAGHAN: Thank you, Your Honor.
25 Staff would prefer to make remarks at the end of the

1 hearing.

2 MS. GAFKEN: Public Counsel also prefers
3 remarks.

4 MR. STARKEY: PSE would agree with that as
5 well.

6 JUDGE DOYLE: And for the complainants,
7 would you agree with that?

8 MS. ARGUNOV: Yes.

9 JUDGE DOYLE: Great. We will make note of
10 that.

11 Next I want to discuss -- oh, before that,
12 Ms. Gafken?

13 MS. GAFKEN: Yeah, I just wanted to go back
14 to the schedule quickly. When -- when we were looking
15 at the proposed schedules, there was a note about
16 discovery response sometimes, and I wanted to -- we
17 didn't talk about that as a group when we were off the
18 record, but it was provided in the proposals that were
19 sent around.

20 Response times are standard through the
21 opening testimony, so the ten business days and then
22 reduced to five business days after the opening
23 testimony. You know, that's not necessarily standard
24 unless it gets into the prehearing conference order. So
25 I wanted to raise that and say that Public Counsel would

1 prefer that timeline be incorporated.

2 JUDGE DOYLE: Do any of the parties have an
3 objection to that incorporation?

4 MR. CALLAGHAN: No objection, Your Honor.

5 MR. STARKEY: No objection, Your Honor.

6 MS. ARGUNOV: No objection.

7 JUDGE DOYLE: Okay, great. Thank you.

8 So on the matter of discovery, it is the
9 exchange of information in advance of the hearing,
10 generally in the form of written requests. Discovery
11 rules can be found under Washington Administrative Code
12 480-07-400.

13 And would the caller -- I can't see an ID.
14 Seems like someone has called in. Would you please mute
15 yourself? We can hear your background noise.

16 Did anyone need me to repeat the code for
17 the discovery rules or was that clear? Okay.

18 Would the parties like to have the rules of
19 discovery available?

20 MS. GAFKEN: Yes, Public Counsel would like
21 to have the rules of discovery available.

22 JUDGE DOYLE: And to clarify, I just wanted
23 to confirm with Public Counsel your scope of
24 intervention given its three complainants and -- and
25 what your intent was.

1 MS. GAFKEN: So we are a statutory party for
2 all matters in front of the Commission, so that's our
3 primary basis. We are interested in the subject matter
4 as well. There's an allegation of, you know, meter
5 readings issues and we would like to take a look at
6 that.

7 So from the complaint, I can identify some
8 of the issues, but I think it would be very helpful to
9 have discovery to be able to ask some questions about,
10 you know, what has happened and, you know, perhaps with
11 the accounts in particular and what the meter readings
12 were and just to help snuff out the issues.

13 JUDGE DOYLE: I just wanted to clarify and,
14 you know, just make certain that that was focused on
15 these complainants and these issues as opposed to the
16 general practices of PSE regarding meter reading and
17 that if there was a more general issue that Public
18 Counsel would take complaint in a different forum, so...

19 MS. GAFKEN: I do understand that. I do
20 think -- I mean, I don't plan on broadening the scope of
21 this particular proceeding, but I am concerned that
22 perhaps there is a broader issue, and I want to explore
23 what the issue is that's being raised in this
24 proceeding.

25 JUDGE DOYLE: Okay. Thank you.

1 How do the complainants feel about wanting
2 to participate in the rules of discovery? Is that
3 something that you were interested in or do -- do any of
4 the parties have objections to --

5 MS. ARGUNOV: No objections, Your Honor.
6 It's totally okay with us.

7 MR. STARKEY: No objection on the part of
8 the Company too.

9 MR. CALLAGHAN: And no objection from Staff,
10 Your Honor.

11 JUDGE DOYLE: Okay. So then also, during
12 the proceedings at Commission, parties often issue a
13 first data request asking that any subsequent data
14 requests and responses are shared with every other
15 party. And it would make it easier on the parties if I
16 included this requirement in the prehearing conference
17 order. Are there any objections to my including that
18 requirement?

19 MR. CALLAGHAN: No objection, Your Honor.

20 MS. GAFKEN: No objection, and I highly
21 favor that being included in the prehearing conference
22 order.

23 MR. STARKEY: No objection, Your Honor.

24 MS. ARGUNOV: No objection, Your Honor.

25 JUDGE DOYLE: Okay. Regarding -- okay.

1 Sorry. So discovery will otherwise be conducted
2 according to the Commission's procedural rules.

3 Regarding electronic filing and electronic
4 service, I'm just going to remind the parties that
5 documents should be filed online through the electronic
6 filing link on the Commission's website. If the parties
7 intend to submit exhibits, there will be requirements
8 for filing exhibits and exhibit lists in advance of the
9 hearing, which will also be done only electronically. I
10 will enter a prehearing order with details on this
11 topic.

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

16 If you have any corrections or updates to
17 our master list in this docket, please file a written
18 notice of appearance or email us. My email is
19 Samantha.doyle@utc.wa.gov. And Judge Kopta's email is
20 Gregorykop -- dot -- apologies. I'm going to start his
21 over again. Gregory.kopta@utc.wa.gov.

22 Is there anything else we need to address
23 today or questions from the complainants about the
24 proceedings?

25 MS. ARGUNOV: Not at this point, Your Honor.

1 Thank you.

2 JUDGE DOYLE: Okay. And to clarify, the
3 complainants can ask procedural questions of the judges,
4 but no subject matter. So just another clarification.

5 So with that, we will issue an order shortly
6 containing the procedural schedule and other guidelines
7 for this case. And if there's nothing else, we are
8 adjourned.

9 (Adjourned at 3:05 p.m.)

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C E R T I F I C A T E

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

