

Docket No. UG-200994 - Vol. I

**WUTC v. Northwest Natural Gas Company dba NW
Natural**

January 19, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	DOCKET NO. UG-200994
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	
v.)	
)	
NORTHWEST NATURAL GAS COMPANY,)	
D/B/A NW NATURAL,)	
)	
Respondent.)	

VIDEOCONFERENCE PRECONFERENCE HEARING BEFORE
ADMINISTRATIVE LAW JUDGES
SAMANTHA DOYLE AND RAYNE PEARSON

Volume I
Pages 1 - 18
January 19, 2021
1:34 P.M.

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A P P E A R A N C E S

(All parties appeared via videoconference)

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1 LACEY, WASHINGTON; JANUARY 19, 2021

2 1:34 P.M.

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5 JUDGE DOYLE: All right. Good afternoon.

6 My name is Samantha Doyle. I'm co-presiding with
7 Administrative Law Judge Rayne Pearson over today's
8 preconference hearing -- or prehearing conference.

9 Pardon me.

10 Both of us will be presiding with the
11 Commissioners during the evidentiary hearing. I will do
12 appearances today, address motions for intervention and
13 discovery. Judge Pearson will address the procedural
14 schedule, and I will close this conference regarding
15 filing requirements.

16 This is Docket UG-200994, which is captioned
17 Washington Utilities and Transportation Commission v.
18 Northwest Natural Gass Company, doing business as
19 Northwest Natural.

20 Today is Tuesday, January 19th, and the time
21 is approximately 1:35 p.m.

22 On December 18th, 2020, Northwest Natural
23 filed a general rate case and requested a standard
24 protective order.

25 On January 7th, 2020, the Commission issued

1 orders one and two suspending the proposed tariff
2 revision and granting the standard protective order,
3 respectively.

4 This hearing conference is going to be a
5 chance for the parties to discuss a procedural schedule
6 and any other housekeeping matters.

7 After today's conference, we will enter an
8 order setting out the procedural schedule and setting
9 the dates for the evidentiary hearing.

10 Let's start by taking short appearances.
11 And again, for the company?

12 MR. FFITCH: Thank you, Your Honor. This is
13 Jocelyn Pease with McDowell, Rackner & Gibson PC for
14 Northwest Natural. And --

15 JUDGE DOYLE: Thank you. And --

16 MS. PEASE: My apologies. Would you like
17 the appearances for other -- other representatives for
18 the company as well?

19 JUDGE DOYLE: Yes, please.

20 MS. PEASE: Also with us is Lisa Rackner
21 with McDowell, Rackner & Gibson PC, and Eric Nelson with
22 Northwest Natural.

23 JUDGE DOYLE: Thank you. And for Commission
24 Staff.

25 MR. CALLAGHAN: Good afternoon, Your Honor.

1 Can you hear me?

2 JUDGE DOYLE: Yes, we can hear you. Thank
3 you.

4 MR. CALLAGHAN: Thank you. This is Nash
5 Callaghan, Assistant Attorney General for Commission
6 Staff.

7 JUDGE DOYLE: And Public Counsel?

8 MS. GAFKEN: Hi. This is Lisa Gafken,
9 Assistant Attorney General appearing on behalf of Public
10 Counsel.

11 JUDGE DOYLE: And a representative for The
12 Energy Project.

13 MR. FFITCH: Good afternoon, again, Your
14 Honor, and Judge Pearson. This is Simon Ffitch
15 appearing as counsel for The Energy Project.

16 JUDGE DOYLE: And Alliance of Western Energy
17 Consumers.

18 MR. STOKES: Good afternoon. This is Chad
19 Stokes with the Cable Huston law firm appearing for the
20 Alliance of Western Energy Consumers. Also with me on
21 the case will be Tommy Brooks, also with Cable Huston.

22 JUDGE DOYLE: Thank you. And Northwest
23 Energy Council.

24 MR. FFITCH: Your Honor, this is Simon
25 Ffitch again. I have been in communication with the

1 Northwest Energy Coalition and have indicated to them
2 that you were inquiring about their participation. And
3 they are just confirming that matter right now. I -- I
4 will say that when I reviewed the interventions in the
5 case, I don't believe I saw a petition from the
6 Northwest Energy Collision, but I might have missed it.

7 In any event, there are -- I've advised them
8 of your interest.

9 JUDGE DOYLE: And --

10 MR. FFITCH: So we may get more information.

11 JUDGE DOYLE: Okay. Thank you. And, you
12 know, that might have been my mistake. So let's move
13 on.

14 Is there any other party that wishes to
15 enter an appearance?

16 All right. Hearing nothing, let's move on
17 and address the petitions to intervene.

18 So The Energy Project and AWAC have filed
19 petitions to intervene in advance. I'll have to check
20 on Northwest Energy Council.

21 Do we have anyone on the call who wishes to
22 seek oral intervention?

23 Okay. And hearing nothing, does any party
24 object to the petitions to intervene filed by The Energy
25 Project or AWEC?

1 All right. And hearing none, those
2 petitions are granted, and we'll move on to discovery.

3 The discovery rules were made available to
4 the parties in order one. During the proceedings of the
5 Commission, parties often issue a first data request
6 asking that any subsequent data request and responses
7 are shared by every other party. It would make it
8 easier on the parties if I include this requirement in
9 the prehearing conference order.

10 Is there any objection to my including that
11 requirement?

12 MS. GAFKEN: No objection from Public
13 Counsel and we would support that.

14 MS. PEASE: No objection from the company,
15 either.

16 MR. FFITCH: No objection --

17 MR. CALLAHAN: -- from me as well.

18 JUDGE DOYLE: Great. Discovery will
19 otherwise be conducted according to the Commission's
20 procedural rules. And Judge Pearson will now go over
21 the procedural schedule.

22 JUDGE PEARSON: Good afternoon. Thank you
23 to the parties for working together in advance to submit
24 the proposed procedural schedule.

25 We find what was submitted mostly acceptable

1 with a couple of adjustments. First, and -- Ms. Pease,
2 actually, you addressed this in your subsequent e-mail
3 this morning. Northwest Natural does request
4 November 1st, 2021, effective date. But from the
5 Commission's perspective, that's going to be difficult
6 to meet if this case is fully litigated. And because we
7 must operate as if that will be the outcome, the
8 Commission will be setting a deadline to issue a final
9 order that's in line with affecting a November 18th,
10 2021, effective date, which is, of course, the statutory
11 deadline by which the Commission must enter its final
12 order.

13 Of course, if the case settles or even
14 partially settles, there may be an opportunity to revise
15 the procedural schedule to allow for the November 1st
16 effective date, but at this juncture we are going to
17 proceed as though that's not possible.

18 So, first and foremost, we need five to six
19 weeks between the date that rebuttal and cross-answer
20 testimony -- cross-answering testimony is filed and the
21 date of the hearing so that policy staff, as well as ALD
22 and the commissioners, have adequate time to prepare for
23 the hearing in light of our competing workload demands.

24 So all of the dates up until the July 16,
25 2021 date for filing rebuttal testimony are acceptable,

1 but the hearing will need to be later than August 2nd.
2 So working back from the November 18th suspension date,
3 we're looking at a hearing date of Monday, August 23,
4 2021, which would provide an adequate hearing
5 preparation time between the July 16th rebuttal and
6 cross-answering testimony deadline and the hearing date.

7 With that hearing date in mind, we would
8 need all briefing concluded no later than September 24,
9 2021. So the parties would either need to turn their
10 briefs around more quickly or file only one round of
11 post-hearing briefs. But we will, of course, leave that
12 to the parties to decide. So with these caveats and
13 directions in mind, I assume that the parties would like
14 to take a brief recess to discuss.

15 MR. CALLAGHAN: Your Honor, this is Nash
16 Callaghan. The Staff has no objection to a brief
17 recess.

18 JUDGE PEARSON: Okay. So what we will do is
19 that Judge Doyle and I will place ourselves on hold. So
20 on our end, we will not be privy to the parties'
21 conversations.

22 And then, Mr. Callaghan, if you could
23 message us through the Teams app and let us know when
24 the parties are done, then we can rejoin at that point
25 in time.

1 MR. CALLAGHAN: Yes, Your Honor.

2 JUDGE PEARSON: Does that work for you?

3 Okay. Then we are in recess, and Judge
4 Doyle and I will place ourselves on hold.

5 (A break was taken from 1:43 p.m. to 2:51 p.m.)

6 JUDGE PEARSON: Let's go ahead and be back
7 on the record. And during the break, the parties were
8 discussing a procedural schedule.

9 Is there an attorney who would like to speak
10 on behalf of all of the parties to let me know what
11 you've decided with respect to the procedural schedule?

12 MS. PEASE: This is Jocelyn Pease for the
13 company. I could do that, Your Honor. And if it would
14 be helpful, we have an updated proposal that I could
15 also e-mail to you and to counsel for all the parties.

16 JUDGE PEARSON: That would be great.

17 MS. PEASE: Okay. I can push "send on that
18 right now, and then we can -- we can read that into the
19 record if that's helpful. I think the other issue that
20 I would preview for -- for Northwest Natural and I think
21 also for -- for AWEC, we were still confirming the
22 availability of our witnesses for the new hearing date,
23 August 23rd and 24th. And so that is sort of a --
24 something that we'd offer as a proposed schedule that is
25 still subject to confirming on our end.

1 JUDGE PEARSON: Okay. So I have the new
2 proposed schedule in front of me, and it looks to be
3 very similar to the previous schedule; however, the
4 dates from July 16th have been adjusted forward.

5 MS. PEASE: Yes. Those have all shifted.

6 JUDGE PEARSON: Okay.

7 MS. PEASE: Would it be helpful to read
8 those into the record, or is that --

9 JUDGE PEARSON: That's fine. I can just go
10 ahead and do that since I have it in front of me now.

11 So we would be looking at a discovery
12 deadline of August 5th; Northwest Natural files joint
13 issues matrix Friday, August 13th; exhibit list,
14 cross-examination exhibits, witness list, time
15 estimates, and exhibit errata would be due on
16 August 16th; the evidentiary hearing set for Monday,
17 August 23rd and Tuesday, August 24th. Initial post
18 hearing briefs due Friday, September 24th and
19 simultaneous reply briefs due Friday, October 8th.

20 And those dates are all fine for the
21 Commission.

22 I did want to say that during the break I
23 checked the Commissioners' schedules, and it looks like
24 Commissioner Balasbas may have -- I don't yet know if
25 it's nonnegotiable, but he has a hard stop time at

1 3 p.m. on the 23rd. So if we didn't finish, we would
2 just pick up on the 24th and continue as needed.

3 So, Ms. Pease, it sounds like you just need
4 to confirm with a couple of more individuals about
5 whether they are available?

6 MS. PEASE: Yes. That's right.

7 JUDGE PEARSON: Okay.

8 MS. PEASE: We've been able to get in touch
9 with most of the witnesses but not all of them.

10 JUDGE PEARSON: Okay. And otherwise,
11 everything looks good from the parties' perspectives?

12 MR. STOKES: Your Honor, this is Chad Stokes
13 for AWEC. We had the same issues. So I would just ask
14 for 24 hours to confirm with our witness, and I can
15 confirm by e-mail tomorrow.

16 JUDGE PEARSON: Okay. That sounds --

17 MR. STOKES: If that works?

18 JUDGE PEARSON: -- good. And what I can say
19 is that the Commission schedule, believe it or not, is
20 very tight even as far out as the week of August 23rd.
21 Those were hard dates to pin down. And so what we can
22 do is, you know, work with -- if some witnesses have
23 availability on the 23rd and some on the 24th, we can
24 take them out of order, whatever we need to do to make
25 sure that we can accommodate to the best of our ability

1 between those two dates.

2 And there may be other dates that week where
3 there's an afternoon available. So if it comes down to
4 that and the parties need to propose that, we can work
5 with it within the dates of that week, even if it gets a
6 little unconventional.

7 All right. So moving on. We just want to
8 remind the parties that documents should be filed online
9 through the electronic filing link on the Commission's
10 web page, which, of course, everyone is very familiar
11 with now that we're working in a virtual environment.

12 And again, exhibits will be filed only
13 electronically and all documents will be served
14 electronically. The Commission will serve the parties
15 electronically. The parties will serve each other
16 electronically.

17 If you have any corrections or updates to
18 the Master Service List in this docket, please just
19 e-mail myself and Judge Doyle.

20 And we are waiving, also going forward, any
21 paper filing requirements in this docket. We can do
22 everything electronically.

23 Is there anything else we need to address
24 today?

25 MR. CALLAGHAN: Thank you, Your Honor. I

1 did have one last thing from staff. So in the Cascade
2 GRC, we had proposed to the parties a method that was
3 hoping to streamline the data request process, make it
4 easier for everyone. And I've asked the parties if they
5 would agree to something similar in this case.

6 I believe I've heard a positive response
7 from all the parties, and it's essentially that we would
8 agree on categories for the data requests, organize the
9 data requests by those categories, and then include them
10 in the e-mail and the cover letters for data requests
11 and responses. And the -- the language that we used for
12 that is in Order 3, page 2, paragraph 9 in 200568.

13 JUDGE PEARSON: Great.

14 MR. CALLAGHAN: And I circulated that, a
15 copy of that language to the parties.

16 JUDGE PEARSON: Okay. That sounds good.

17 Is there anything else that we need to
18 discuss while we're here today?

19 MS. GAFKEN: Yes. There's one more thing
20 that I wanted to raise, Your Honor.

21 JUDGE PEARSON: Sure.

22 MS. GAFKEN: So I just wanted to bring up
23 the idea of the public comment hearing, and that is
24 already included in the schedule. But I wanted to
25 discuss it just a bit.

1 You know, I think the timing is useful after
2 our first round of response testimony. It's just useful
3 to have that be done before the public comment hearing.
4 But, of course, schedules are such that it has to happen
5 before it, then -- then that's what happens.

6 I think there's a trickier question when it
7 comes to whether it's virtual or in person. I think
8 it's really quite uncertain whether we will be in person
9 by the summer or even the fall. Fingers crossed that we
10 are, but we don't necessarily know. So I would urge
11 flexibility there.

12 Of course, if we are able to do public
13 comment hearing in person, I would recommend that it be
14 conducted within Northwest Naturals service territory.
15 But I would also recommend that we keep a virtual
16 participation opportunity. I think that has provided
17 some benefit to -- to folks trying to participate.

18 I think that's everything that I wanted to
19 talk about there, to be sure that I raised.

20 JUDGE PEARSON: Okay. And duly noted while
21 that, of course, remains to be seen. So we will play
22 that by ear.

23 MS. GAFKEN: Thank you.

24 THE COURT: All right. Anything else before
25 we adjourn today?

1 Okay. Hearing nothing, we will issue an
2 order shortly. I will, of course, wait to hear from the
3 parties on the proposed hearing dates. But subsequent
4 to that, we will issue an order memorializing everything
5 that we talked about here today.

6 And thank you all for appearing. And we are
7 adjourned.

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10 (Hearing adjourned at 2:59 p.m.)

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