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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
Complainant,)
vs.) Docket UW-110892
) Pages 1-8
LOWPER, INCORPORATED,)
Respondent.)

PREHEARING CONFERENCE, VOLUME I
Pages 1-8
ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

1:30 P.M.

SEPTEMBER 7, 2011

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

REPORTED BY: SHELBY KAY K. FUKUSHIMA, CCR #2028

Buell Realtime Reporting, LLC
1411 Fourth Avenue
Suite 820
Seattle, Washington 98101
206.287.9066 | Seattle
360.534.9066 | Olympia
800.846.6989 | National

www.buellrealtime.com

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

GREGORY J. KOPTA
Washington Utilities and
Transportation Commission
1300 South Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504
360.664.1136

FOR WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION:

JENNIFER CAMERON-RULKOWSKI
MICHAEL A. FASSIO
Assistant Attorney General
1400 South Evergreen Park Drive
Southwest
Olympia, Washington 98504
360.664.1186
jcameron@wutc.wa.gov
mfassio@wutc.wa.gov

FOR LOWPER, INCORPORATED:

RICHARD A. FINNIGAN
Attorney at Law
2112 Black Lake Boulevard Southwest
Olympia, Washington 98512
360.956.7001
rickfinn@localaccess.com

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OLYMPIA, WASHINGTON, SEPTEMBER 7, 2011

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1:30 P.M.

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P R O C E E D I N G S

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JUDGE KOPTA: Let's be on the record in

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Docket No. UW-110892, entitled "Washington Utilities and

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Transportation Commission versus Lower" -- L-o-w-p-e-r --

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"Incorporated."

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Today is Wednesday, September 7, 2011. I'm

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Administrative Law Judge Gregory J. Kopta, and we are here for a

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prehearing conference.

13

And we will start today by taking appearances from

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the parties beginning with the Commission Staff.

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MS. CAMERON-RULKOWSKI: Appearing on behalf of

16

Commission Staff, Jennifer Cameron-Rulkowski, Assistant Attorney

17

General.

18

MR. FASSIO: Appearing for Commission Staff, Michael

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Fassio, Assistant Attorney General.

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JUDGE KOPTA: And for the Company?

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MR. FINNIGAN: Rick Finnigan.

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JUDGE KOPTA: And is anyone else in the room wanting

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to make an appearance?

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Anyone on the bridge line?

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Hearing none, we'll move to the next item which is

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1 interventions.

2 Since no one seems to want to appear, I'm assuming
3 there aren't any interventions, but I will ask if anyone seeks
4 to intervene in this proceeding.

5 Hearing nothing, we will assume not.

6 So the parties are before us. This is a complaint
7 involving rates, and, therefore, the Commission's discovery
8 rules are available.

9 The next issue is whether there is a need for a
10 protective order in this proceeding.

11 MR. FINNIGAN: Your Honor, just out of abundance of
12 caution, the Company requests the standard protective order.

13 JUDGE KOPTA: And what kind of information are you
14 anticipating would be confidential or potentially confidential?

15 MR. FINNIGAN: There's financial information
16 concerning company operations, including the Commission has
17 requested certain information from affiliates. And to the
18 extent that any affiliated information that's being requested is
19 appropriately requested and provided, that should be held in
20 confidence.

21 JUDGE KOPTA: And is that the sort of information
22 that Staff would anticipate requesting?

23 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

24 JUDGE KOPTA: All right. Then we will issue the
25 standard protective order.

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1 And I think, unless there is something else, that
2 leads us to the schedule.

3 Have the parties discussed scheduling issues off the
4 record?

5 MR. FINNIGAN: Yes, we have.

6 JUDGE KOPTA: Do you have a proposed schedule that
7 meets the needs of all parties?

8 MR. FASSIO: We have, Your Honor.

9 JUDGE KOPTA: All right. Why don't you let me know
10 what that is.

11 MR. FASSIO: The first date in the schedule, Staff
12 would file its direct testimony and exhibits. That date is
13 November 17, 2011. Lower will file its response testimony and
14 exhibits, January 5, 2012. Staff's reply testimony, February 9,
15 2012.

16 And we have looked at the week of February 27th for a
17 hearing. Staff might suggest Wednesday of that week, subject to
18 the availability of the Company and the Commission.

19 JUDGE KOPTA: Okay. I will have to take a look and
20 see what our calendar looks like for that week. I know that the
21 Puget Sound Energy rate case hearings are sometime in February,
22 but I don't remember which week.

23 Assuming that week is available, would any day of
24 that week work for the parties, or are there any other
25 limitations?

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1 MS. CAMERON-RULKOWSKI: For Commission Staff,
2 preferably a Monday, Wednesday, or a Thursday.

3 JUDGE KOPTA: Okay.

4 MS. CAMERON-RULKOWSKI: Unless there's an open
5 meeting on that Thursday.

6 JUDGE KOPTA: Okay. I will need to check on this.
7 And unless there's a burning desire among the parties to have
8 that information known right now, I can check, and then just
9 include that in the prehearing conference order.

10 MR. FINNIGAN: I think I have a dental appointment
11 Monday that week, so I can check and provide that by e-mail.

12 JUDGE KOPTA: All right. That will be fine.

13 MR. FINNIGAN: And, of course, that's something that
14 can always be moved, so...

15 JUDGE KOPTA: Well, it helps, given this much leeway,
16 unless you have a very popular dentist.

17 MR. FINNIGAN: No, it can be moved.

18 JUDGE KOPTA: Okay. And then I'm assuming, then,
19 that any post-hearing briefing would be set by dates at a time
20 to be determined?

21 MR. FASSIO: Yes, Your Honor.

22 JUDGE KOPTA: Okay. I don't see any problems with
23 this one, assuming that we can have the hearing scheduled during
24 that week in February.

25 I know I personally will be out the week before that,

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1 but I don't see that that's any hindrance on scheduling
2 something for that week.

3 So I will anticipate that we will -- the Commission
4 will adopt this schedule. I will provide that in a prehearing
5 conference order, as well as a specific date for the hearings.

6 Is there any other issues that need to be discussed
7 while we're here this afternoon?

8 Hearing none, then we are adjourned. Thank you.

9 MS. CAMERON-RULKOWSKI: Thank you.

10 MR. FINNIGAN: Thank you.

11 (Proceeding concluded at 1:36 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand 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 15th day of September, 2011.

SHELBY KAY K. FUKUSHIMA, CCR

My commission expires:
June 29, 2013