Docket Nos. UE-220053 and UG-220054 (Consolidated) - Vol. II

WUTC v. Avista Corporation

February 28, 2022



COURT REPORTING AND LEGAL VIDEO

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Docket Nos. UE-220053 and UG-220054 (Consolidated) - Vol. II - 2/28/2022

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	BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	1 2	A P P E A R A N C E S (Cont.)		
1		3	FOR ALLIANCE OF WESTERN ENERGY CONSUMERS:		
	WASHINGTON UTILITIES AND) DOCKETS UE-220053 and TRANSPORTATION COMMISSION,) UG-220054) (Consolidated)	4	TYLER PEPPLE Davison Van Cleve PC 1750 Southwest Harbor Way Suite 450		
	Complainant,)) vs.)	6	Portland, Oregon 97201 503-241-7242 tcp@dvclaw.com		
	AVISTA CORPORATION, d/b/a) AVISTA UTILITIES,)	8 9 10	FOR NORTHWEST ENERGY COALITION: IRION SANGER Sanger Law 4031 Southeast Hawthorne Road		
	Respondent. VIRTUAL PREHEARING CONFERENCE	11	Portland, Oregon 97214 503-756-7533 irion@sanger-law.com		
	VOLUME II Pages 42-70 ADMINISTRATIVE LAW JUDGE ANDREW J. O'CONNELL	12 13 14 15	FOR THE ENERGY PROJECT: YOCHI ZAKAI Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco. California 94102		
	Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503	16 17 18	415-552-7272 yzakai@smwlaw.com FOR THE SIERRA CLUB:		
	(All participants appeared via videoconference.)	19 20 21	GLORIA SMITH Sierra Club 85 Second Street Second Floor San Francisco, California 94105 415-977-5532		
	DATE TAKEN: FEBRUARY 28, 2022 REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100	22 23 24 25	gloria.smith@sierraclub.org		
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BUELL REALTIME REPORTING, LLC

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1	LACEY, WASHINGTON; FEBRUARY 28, 2022	1	MR. WINMILL: Hi, Your Honor. Jeff Winmill
2	1:36 p.m.	2	on behalf of Small Business Utility Advocates.
3		3	JUDGE O'CONNELL: Thank you.
4	PROCEEDINGS	4	And for Walmart?
5	LIDCE O'CONNELL, Lat's been the record	5	MS. BALDWIN: Thank you. This is Vicki
6	JUDGE O'CONNELL: Let's be on the record.	6 7	Baldwin on behalf of Walmart.
7 8	Good afternoon. The time is approximately 1:30 p.m. My name is Andrew O'Connell. I am an	8	JUDGE O'CONNELL: Thank you.
° 9		9	I mentioned briefly before we went on the
	administrative law judge with the Washington Utilities	10	record that there were three things I wanted to address
10 11	and Transportation Commission, and I'll be presiding in this matter along with the Commissioners.	11	at this conference. First, I want to address Walmart's late-filed
12	We are here today for a second virtual	12	
13	prehearing conference in Avista's 2022 general rate	13	petition to intervene. I want to then address paper copies of filings in this case with new direction. And
14	case, which is consolidated Dockets UE-220053 and	14	last, I wanted to discuss intervenor funding and set
14	UG-220054.	15	certain finite deadlines for those items.
16	Okay. Let's take appearances on the record,	16	So first, regarding Walmart, I have reviewed
17	starting with the Company.	17	Walmart's petition, and I am also aware that Walmart has
18	MR. MEYER: Good afternoon, Your Honor.	18	a history of participating in general rate cases before
19	David Meyer on behalf of Avista.	19	the Commission. The Commission received responses from
20	JUDGE O'CONNELL: Thank you.	20	Avista and Staff to Walmart's late-filed petition to
21	And for Staff?	21	intervene. Neither objected to Walmart's intervention.
22	MS. CAMERON-RULKOWSKI: Good afternoon, Your	22	Before I make a decision, does any party want
23	Honor. Jennifer Cameron-Rulkowski, Assistant Attorney	23	to be heard regarding Walmart's petition?
24	General, appearing on behalf of Staff.	24	MR. ZAKAI: Your Honor, The Energy Project
25	And with me today is Jeff Roberson, also	25	does not object to Walmart's intervening.
	Page 47		Page 49
1		1	
1 2	Page 47 Assistant Attorney General. JUDGE O'CONNELL: Thank you.	1	Page 49 JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the
	Assistant Attorney General.		JUDGE O'CONNELL: Thank you Mr. Zakai.
2	Assistant Attorney General. JUDGE O'CONNELL: Thank you.	2	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the
2 3	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel?	2 3	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to
2 3 4	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake,	2 3 4	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the
2 3 4 5	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit.	2 3 4 5	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order.
2 3 4 5 6	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney	2 3 4 5 6	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that
2 3 4 5 6 7 8 9	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers?	2 3 4 5 6 7	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the
2 3 4 5 6 7 8	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you.	2 3 4 5 6 7 8	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there
2 3 4 5 6 7 8 9 10 11	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers? MR. PEPPLE: Good afternoon, Judge O'Connell. Tyler Pepple for the Alliance of Western	2 3 4 5 6 7 8 9 10 11	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there are any corrections that need to be made that I've not
2 3 4 5 6 7 8 9 10 11 12	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers? MR. PEPPLE: Good afternoon, Judge O'Connell. Tyler Pepple for the Alliance of Western Energy Consumers.	2 3 4 5 6 7 8 9 10 11 12	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there are any corrections that need to be made that I've not already been made aware of, please e-mail me and let me
2 3 4 5 6 7 8 9 10 11 12 13	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers? MR. PEPPLE: Good afternoon, Judge O'Connell. Tyler Pepple for the Alliance of Western Energy Consumers. JUDGE O'CONNELL: Thank you.	2 3 4 5 6 7 8 9 10 11 12 13	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there are any corrections that need to be made that I've not already been made aware of, please e-mail me and let me know.
2 3 4 5 6 7 8 9 10 11 12 13 14	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers? MR. PEPPLE: Good afternoon, Judge O'Connell. Tyler Pepple for the Alliance of Western Energy Consumers. JUDGE O'CONNELL: Thank you. For Northwest Energy Coalition?	2 3 4 5 6 7 8 9 10 11 12 13 14	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there are any corrections that need to be made that I've not already been made aware of, please e-mail me and let me know. Next, I want to address paper copies in this
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Assistant Attorney General. JUDGE O'CONNELL: Thank you. And for Public Counsel? MS. SUETAKE: Good afternoon. Nina Suetake, Assistant Attorney General for Public Counsel Unit. And today, I'm joined by Assistant Attorney General, Ann Paisner. JUDGE O'CONNELL: Thank you. For the Alliance of Western Energy Consumers? MR. PEPPLE: Good afternoon, Judge O'Connell. Tyler Pepple for the Alliance of Western Energy Consumers. JUDGE O'CONNELL: Thank you. For Northwest Energy Coalition? MR. SANGER: Irion Sanger, appearing on	2 3 4 5 6 7 8 9 10 11 12 13 14 15	JUDGE O'CONNELL: Thank you Mr. Zakai. Okay. Hearing no objection from any of the parties, I'm going to grant Walmart's petition to intervene and memorialize that decision in the prehearing conference order. I am also going to update the contact list that was contained in Appendix A to the first prehearing conference order with the contact information for Walmart as well as certain corrections to any of the e-mails that were contained in that list. And if there are any corrections that need to be made that I've not already been made aware of, please e-mail me and let me know. Next, I want to address paper copies in this case. In the prehearing conference order, there was
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2 (Pages 46 to 49)

· · · · ·	Page 50		Page 52
1	copies. And I will memorialize that decision in the	1 parties	s who expect to be making these filings if that
2	second prehearing conference order as well.	-	t of time would be sufficient.
3	My understanding is that this will be		And Mr. Pepple, I am aware that AWEC has
4	consistent with other general rate cases going on at		y filed, and thank you. And I'm going to allow
5	this time. And I do think there's value to having the		to amend its filing if you decide it's necessary.
6	same filing requirements across the proceedings that are		Nould either of the parties like to be heard
7	going on at the same time, especially given the size and		that deadline?
8	importance of both of the cases.	8	MR. ZAKAI: Your Honor, Yochi Zakai for The
9	Are there any questions regarding paper copies		y Product.
10	or filing requirements of any kind?		That's reasonable. The Energy Project is
11	Okay. Now I'll move on to the schedule for		ed to file today, if necessary, because we thought
12	intervenor funding filings. I want to I think I		into today that that would be the requirement, so
13	understand the deadlines that need to be set and the		ve everything ready to go at your request.
14	filings to expect from the parties, but I do believe	14	But I'm not sure about the other parties. So
15	that even though I have reviewed the intervenor	15 we ce	rtainly would want to leave enough time to make
16	funding agreement and the Commission order approving	16 sure th	nat other parties are able to comply with the
17	that agreement, I want to hear from the parties to make	17 fundin	g agreement's requirements.
18	sure that I haven't missed anything and that we are	18	JUDGE O'CONNELL: Let me turn to Northwest
19	addressing everything that we need to at the correct	19 Energ	y Coalition, Sierra Club, and AWEC.
20	time.	20	Mr. Sanger?
21	Now, my understanding is that a number of the	21	MR. SANGER: Thank you.
22	deadlines become triggered when the Commission takes		Northwest Energy Coalition is still evaluating
23	action. So, for example, the budget the filing of		er or not we would seek intervenor funding, and we
24	budgets is to be filed 30 days after the Commission		an internal deadline to figure that out by Friday
25	makes the decision on case certification.	25 of this	week. So it would be good if we could get to
	Darra [1		
	Page 51		Page 53
1		1 the m	
1 2	Let me back up a step, and I apologize for		iddle of next week to be able to gather everything
	Let me back up a step, and I apologize for jumping ahead of myself.	2 up an	iddle of next week to be able to gather everything d make the filing if we decide to seek intervenor
2	Let me back up a step, and I apologize for	2 up an	iddle of next week to be able to gather everything d make the filing if we decide to seek intervenor ng.
2 3	Let me back up a step, and I apologize for jumping ahead of myself. In the agreement, it says that case	2 up an 3 fundir 4	iddle of next week to be able to gather everything d make the filing if we decide to seek intervenor ng. JUDGE O'CONNELL: Okay, thank you.
2 3 4	Let me back up a step, and I apologize for jumping ahead of myself. In the agreement, it says that case certification and the notice from the parties should be filed with the Commission by the prehearing conference or at a date and time specified by the Commission	 2 up an 3 fundir 4 5 	iddle of next week to be able to gather everything d make the filing if we decide to seek intervenor ng.
2 3 4 5	Let me back up a step, and I apologize for jumping ahead of myself. In the agreement, it says that case certification and the notice from the parties should be filed with the Commission by the prehearing conference	 2 up an 3 fundir 4 5 	iddle of next week to be able to gather everything d make the filing if we decide to seek intervenor ng. JUDGE O'CONNELL: Okay, thank you. Okay. For the Alliance of Western Energy
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3 (Pages 50 to 53)

1 week. 2 JUDGE O'CONNELL: Thank you. 3 Yes, my understanding is that there's an 4 expectation the Commission will try to issue a decision 6 and notices from the parties. And then once the 7 Commission makes that determination, it will trigger a 30-day window for the filing of the budgets. JUDGE O'CONNELL: No, Mr. Meyer, please go 3 and notices from the parties. And then once the 1 MR. WINMLL: Thank you. JUDGE O'CONNELL: No, Mr. Meyer, please go 3 abade. JUDGE O'CONNELL: No, Mr. Meyer, please go 3 mission, which is the togets that JUDGE O'CONNELL: No, Mr. Meyer, please go 3 mission, which is the deadimine is 30 days after MR. MEYER: Then, of oourse, the Commission 1 that needs to be within 30 days of the proposed budget. So that's the last shee to fail. for upowell. 1 that needs to be within 30 days after the commission decides on the request for cs that's the ease is concluded? 1 that pasticular mappense wen after the general rate cose is concludes? 2 for course the agreement also preserves the mount on the proposed toget that is so that something that week approping budgets, oull act on it and approve those		Page 54		Page 56
2 JUDGE O'CONNELL: Thank you. 1air reading of the agreement, served station the Commission will try to issue a decision 3 Ordey middes of the filing of the bargers discussed - 30 days, and then after that decision, for the filing of the decision. 3 Ordey window for the filing of the decision. MR. WINMILL: Thank you. 10 JUDGE O'CONNELL: 'Res, four Honor, if you'd like MR. MEYER: Thank you. 11 MR. ZAKAI: Thank you. MR. MEYER: Thank you. 12 The prehearing conference is held, then the deadline is 30 days after the general ratic case is concluded? 13 MR. ZAKAI: Thank you. JUDGE O'CONNELL: 'Res, Your Honor, if you'd like 14 The prehearing conference is held, then the deadline is 30 days after the Commission decides on the request for funding. And the decision to set any other date as the commission decides on the request for funding. And that request for funding. And ther area conclude? 15 Commission decides on doe. JUDGE O'CONNELL: 'New, that you. 14 Hore not seering bank the decise o	1	week.	1	that petition and notice of intent. And then I think a
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4 expectation the Commission discretion is and notices from the parties. And then none the Commission makes that determination, it will trigger a 4 which is the 14-day period decision, for the filing of the proposed budget. 30-day window for the lining of the budgets. JUDEE O'CONNELL: Yokay. JUDEE O'CONNELL: Yokay. 10 And I'm saying this out loud in the hopes that 11 I'm mistaken, that someone is going to correct me. 11 11 And I'm saying this out loud in the hopes that 11 I'm mistaken, that someone is going to correct me. 11 12 MR. ZAKAI: Yes, Your Honor, if you'd like 12 MR. ZAKAI: Thank you, Judge O'Connell. 13 JUDEE O'CONNELL: Go ahead, Mr, Zakai. 10 JUDEE O'CONNELL: I's doe allow dogt. 14 to	3		3	
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1 44 TO THOSE WHO HAVEN THEY THEN DEDUCT ANY HOUCE OF 1 44 WITH THE DIETY CLOSELY. SO IT HADDY TO ALSO RESDOND TO				
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23 intent. 23 that if you like. 24 And then after that, there's a 14-day period 24 JUDGE O'CONNELL: I apologize for putting			1	•
25 within which the Commission should act on those on 25 anyone on the spot. I am just trying to plan for what I				
				anyone on the open if an just trying to plan for what i

4 (Pages 54 to 57)

	Page 58	Page 6	50
1	need to make sure is on my radar.	1 to overlap and not to spend, you know let me start	
2	So yes, please, Mr. Pepple, go ahead.	2 over.	
3	MR. ZAKAI: I'm happy to defer to	3 They will cooperate in arriving at budgets	
4	Mr. Pepple. Thank you.	4 because you'll have several lines for that	
5	MR. PEPPLE: So my understanding is you	5 participation, not the disadvantaged prioritized fund,	
6	would not need to put anything in the final order for	 but the other one. So just some kind of encouragement 	nt
7	the case.	7 for the parties to meet and confer as soon as possible	
8	Essentially, how it works is that parties will	8 to discuss budgets. That happens in Oregon, and I thi	nk
9	submit the proposed budget, as Mr. Meyer said. The	 9 it happens pretty well at least in the Avista dockets. 	
10	Commission will rule on that proposed budget, but that	10 JUDGE O'CONNELL: Thank you.	
11	does not authorize any funding at that point. It's only	11 For the record, that was Mr. Meyer.	
12	at the end of the case, within 60 days after the final	12 I had not planned on including in the schedule	
13	order has become nonappealable, the party will submit a	13 any conference of the parties who are intending to	
14	request for payment, and then they will itemize all of	14 submit budgets.	
15	those expenses.	15 Mr. Meyer, is that are you recommending that	
16	And then after receiving the request for	16 I consider doing that?	
17	payment, then the Commission would issue an order either	17 MR. MEYER: Well, I wasn't suggesting that	
18	approving or denying the request. So that would be a	18 it be as formal as directing the parties to meet, but	
19	separate order.	19 just some kind of expectation that the parties will	
20	JUDGE O'CONNELL: Okay. So I think and	20 attempt to coordinate their spending in some way. It's	
21	I'm going to open up for anyone who would like to be	21 not binding. There's no requirement, but just it's a	
22	heard in just a moment.	 hope and a prayer. 	
23	But I think my next step is to include in the	23 JUDGE O'CONNELL: I attended the	
24	second prehearing conference the filing deadline for	24 Commission's open meeting last Thursday in which this	s
25	case certification and notice of intent. And I'm going	25 was brought up, and I do remember that at least being	
			<u> </u>
	Page 59	Page 6	51
1	to take the recommendation that I set that deadline for	1 topic that was mentioned that the parties were going	
1 2			
	to take the recommendation that I set that deadline for next Wednesday, March 9th, so moving my initial suggestion of March 7th to March 9th.		
2	next Wednesday, March 9th, so moving my initial	2 to cooperate.	
2 3	next Wednesday, March 9th, so moving my initial suggestion of March 7th to March 9th.	 to cooperate. Is there, in the agreement, language that 	
2 3 4	next Wednesday, March 9th, so moving my initial suggestion of March 7th to March 9th. Is there anyone else who would like to be	 to cooperate. Is there, in the agreement, language that requires such cooperation, Mr. Meyer? I'm asking 	
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5 (Pages 58 to 61)

	Page 62		Page 64
1	behalf of SBUA.	1	to have such an agreement and signature pages filed in
2	JUDGE O'CONNELL: Go ahead, Jeff.	2	each general rate case before it, and for the purposes
3	MR. WINMILL: I had a question that perhaps	3	of administrative efficiency, that might not be
4	may be I don't know if you could answer, Your Honor,	4	necessary. Thank you.
5	or perhaps some of the other parties.	5	JUDGE O'CONNELL: Thank you, Mr. Zakai.
6	But SBUA is not currently a signatory to the	6	That makes good sense to me to keep it all in that one
7	interim funding agreement that was approved by the	7	generic docket.
8	Commission or and it looks like filed in this docket.	8	So for SBUA, Jeff, please do if you sign
9	Would the appropriate thing to do, then, for	9	if you were to submit the signature page, please include
10	SBUA to file a signature page to that agreement in this	10	it in that generic docket.
11	docket, or perhaps in a different one? Does that make	11	MR. WINMILL: Will do, sir.
12	sense?	12	JUDGE O'CONNELL: Okay.
13	JUDGE O'CONNELL: Yes, I understand your	13	Okay. Is there anything
14	question.	14	MR. MEYER: Your Honor?
15	The only thing I know for sure is that, yes,	15	JUDGE O'CONNELL: Mr. Meyer.
16	you should submit a signature page. I think it would be	16	MR. MEYER: And that resolution is just fine
17	sufficient for you to submit in this docket. However,	17	by me, but if and it's really it's not a matter of
18 19	the intervenor funding agreement was approved in another	18 19	a special concern to Avista, but there are parties, even
20	docket. MR. WINMILL: Yeah, that's my question.	20	in this case, that may not have been parties to that generic docket. And they may want to so they won't
20	JUDGE O'CONNELL: Let me turn to Mr. Meyer.	20	be served with a petition by any other party in the
22	My understanding from listening to the open	22	generic case or not petition, but a signature page in
23	meeting was that the updated agreement and updated	23	the generic case.
24	signature pages were submitted in that docket that was	24	If that matters that they are not aware of
25	addressed at the open meeting; is that correct?	25	another signature page being filed in the generic case,
_			
	Page 63		Page 65
1	MR. MEYER: That is correct. The reason I	1	then we're just fine. I just wanted to avoid confusion,
2	submitted last Friday what I had in hand was to make	2	because keep in mind not everyone was involved in that
3	sure that in this docket, this rate case docket, there	3	generic case.
4	was something of record informing you and all the	4	MR. ZAKAI: Your Honor, if I may respond.
5	parties of their obligations. I just recommend that you	5	JUDGE O'CONNELL: One moment.
6	file your signature page in both dockets at this point.	6	I think you both make a lot of sense. Before
7	Next time around, when we have a little more	7	Mr. Zakai before we go around again, I'd like to ask
8	experience, then maybe the parties can just have one on	8	if there are any other parties who want to be heard
9	file with the underlying intervenor funding agreement.	9	regarding where this is properly filed so that everyone
10	MR. WINMILL: That's perfect. Thank you,	10	is aware of who is requesting intervenor funding and who
11	David.	11	has submitted pages.
12	JUDGE O'CONNELL: Thank you, Mr. Meyer.	12	Okay. Mr. Zakai?
13 14	MR. ZAKAI: Your Honor, if I could address this issue as well.	13 14	One moment. Ms. Suetake, thank you. MS. SUETAKE: You know, I had been concerned
14 15	JUDGE O'CONNELL: Please go ahead,	14	about this at the outset of intervenor funding
16	Mr. Zakai.	16	proceeding, so thank you for raising it here.
17	MR. ZAKAI: Yes. At least I think from The	17	Is there and I think it needs a larger fix
18	Energy Project's perspective, we contemplated that all	18	at some point. But in the interim, would it be possible
19	signatory pages would be in the generic docket only, and	19	for the parties to file in both places? Or does that
20	that the funding agreement itself only needs to be in	20	not work? I'm not sure. Or serve sorry, serve on
21	the generic docket only. And then the Commission's	21	both this docket and file it in the other proceeding.
22	order can reference that docket which approved the	22	JUDGE O'CONNELL: Okay, thank you.
23	participant funding agreement and has all those filings.	23	Mr. Zakai?
24	From a practical perspective, I would encourage	24	MR. ZAKAI: Thank you, Your Honor.
25	the Commission and parties to think about what it means	25	When parties request case certification and

	Page 66		Page 68
1		1	JUDGE O'CONNELL: Thank you.
2	file their notice of intent to request their fund grant, the agreement requires that that document be served on	2	Mr. Pepple, would you like to be heard?
3	all parties in the proceeding.	3	MR. PEPPLE: No, not particularly. I
4	So, for example, in this general rate case, if	4	generally agree with Mr. Meyer. I think, you know, this
5	a party decides to request a case certification and	5	probably isn't a huge issue either way.
6	request participant funding, that that notice of intent	6	JUDGE O'CONNELL: Okay. Thank you.
7	would be served on all parties in this case. And that	7	Is there anyone else who wants to be heard?
8	would provide, I believe, all parties in this case	8	Okay. I am planning not to make any additional
9	sufficient notice as was intended by the agreement.	9	requirements. I would expect that the parties file a
10	JUDGE O'CONNELL: Mr. Zakai, I noticed in	10	signature page, for now, in both dockets. I think that
11	the requirements for what should be submitted along with	11	this is something that can be worked out as we have more
12	case certification a number of items that the party	12	cases that will be part of intervenor funding. But for
13	needs to address. And I believe there's also something	13	now, please just to cover all bases, please submit a
14	there that allows the Commission to ask for something	14	signature page in both dockets.
15	else.	15	And I'm going to issue a prehearing conference
16	Is there and correct me if I'm wrong about	16	order setting a deadline for next Wednesday for the
17	that and, also, is one of those things that must be	17	filing of case certification and notices from those
18	included in the case certification request does it	18	seeking or planning to seek intervenor funding. And I
19	have to show do the parties have to show a signature	19	will make clear when the proposed budgets are going to
20	page to the agreement?	20	be due, and that will be 30 days after the Commission
21	MR. ZAKAI: I do not believe that there's a	21	makes a decision on case certification.
22	specific requirement for showing a signature page to	22	Is there anything else that we need to discuss
23	this agreement. I would be interested in hearing from	23	today?
24	AWEC how the similar process works in Oregon as well to	24	MR. PEPPLE: Judge O'Connell, sorry, just
25	hear that perspective.	25	one final question, not to belabor this longer.
	Page 67		Page 69
1	But in the agreement before this Commission	1	So are you requesting that parties who already
1 2	But in the agreement before this Commission here in Washington State, I don't see that requirement	1 2	
	here in Washington State, I don't see that requirement to show the signature page.	1	So are you requesting that parties who already signed the agreement file their signature pages in this docket, too? Or is it just new signatories?
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2 3 4 5 6	here in Washington State, I don't see that requirement to show the signature page. JUDGE O'CONNELL: Before we go to you Mr. Pepple, Mr. Meyer, it was your original suggestion that we ask the parties to file a signature page in both	2 3 4 5 6	So are you requesting that parties who already signed the agreement file their signature pages in this docket, too? Or is it just new signatories? JUDGE O'CONNELL: Thank you for the clarification. Good question. I had only intended for those parties who have not already signed.
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2	CERTIFICATE	
3	STATE OF WASHINGTON	
4	COUNTY OF KING	
5		
6	I, Rose Detloff, a Certified Court Reporter in	
7	and for the State of Washington, do hereby certify that	
8	the foregoing transcript is true and accurate to the	
9	best of my knowledge, skill and ability.	
10		
11		
12	Willy zare Dottleff	
13		
14	ROSE DETLOFF, RPR, CCR #21036100	
15 16	My commission expires:	
17	DECEMBER 6, 2022	
18		
19		
20		
21		
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23		
24		
25		

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