

Docket No. UE-200980 - Vol. I

WUTC v. Puget Sound Energy

January 13, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET UE-200980
TRANSPORTATION COMMISSION,)

) Complainant,)

) vs.)

) PUGET SOUND ENERGY,)

) Respondent.)

VIRTUAL PREHEARING CONFERENCE, VOLUME I
Pages 1-15
ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

January 13, 2021
9:30 a.m.

Washington Utilities and Transportation Commission
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LACEY, WASHINGTON; JANUARY 21, 2021
9:30 A.M.

--oOo--

P R O C E E D I N G S

JUDGE HOWARD: Let's be on the record.
We're here today for a prehearing conference in Docket
UE-200980, which is captioned Washington Utilities and
Transportation Commission versus Puget Sound Energy.

My name is Michael Howard. I am an
administrative law judge with the Washington Utilities
and Transportation Commission, and I will be copresiding
in this matter along with the Commissioners.

Let's start by taking appearances and
addressing the petitions for intervention.

Could we have an appearance first from Puget
Sound Energy.

MS. CARSON: Yes, Your Honor, good morning.
I'm Sheree Strom Carson from Perkins Coie representing
Puget Sound Energy. And also on the line I think is
David Steele, who can make an appearance as well.

JUDGE HOWARD: Thank you.

MS. CARSON: David, are you muted?

MR. STEELE: I am on the phone. Good
morning, Your Honor. David Steele on behalf of Perkins

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1 Coie -- on behalf of PSE on the line as well.
 2 JUDGE HOWARD: Thank you, Mr. Steele.
 3 Could we have an appearance from Staff.
 4 MR. DALLAS: Yes, Your Honor. Joe Dallas,
 5 Assistant Attorney General, on behalf of Commission
 6 Staff.
 7 MR. TEIMOURI: And also here is Daniel
 8 Teimouri, Assistant Attorney General, on behalf of
 9 Commission Staff.
 10 JUDGE HOWARD: Thank you.
 11 And could we have an appearance from
 12 Public Counsel.
 13 MS. GAFKEN: Yes, good morning. This is
 14 Lisa Gafken, Assistant Attorney General, on behalf of
 15 Public Counsel.
 16 JUDGE HOWARD: Thank you.
 17 And could we have an appearance from AWEC.
 18 MR. COLEMAN: Good morning, Your Honor.
 19 Brent Coleman from the law firm Davison Van Cleve on
 20 behalf of the Alliance of Western Energy Consumers.
 21 JUDGE HOWARD: Thank you, Mr. Coleman.
 22 And could we have an appearance from The
 23 Energy Project.
 24 MR. FFITCH: Good morning, Your Honor.
 25 Simon ffitich appearing on behalf of The Energy Project.

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1 JUDGE HOWARD: Thank you.
 2 So moving on to the petitions to intervene.
 3 Do we have any petitions for intervention other than the
 4 ones that have been filed in writing in this docket?
 5 Hearing none, let's proceed. So we received
 6 two petitions to intervene; one from AWEC, the Alliance
 7 of Western Energy Consumers, and one from The Energy
 8 Project. We did not receive any written objections to
 9 these petitions. Are there any objections to them
 10 today?
 11 MS. CARSON: PSE has no objection.
 12 MS. GAFKEN: Public Counsel has no
 13 objection.
 14 MR. DALLAS: No objection from Staff.
 15 JUDGE HOWARD: Thank you. Hearing no
 16 objections, the petitions to intervene are granted.
 17 Next I would note on the issue of a
 18 protective order that the Commission's already entered a
 19 protective order in this docket with provisions
 20 governing highly confidential information, and I would
 21 of course encourage the parties to review that if they
 22 have not already.
 23 Next is the procedural schedule for this
 24 case. I appreciate the parties' efforts preparing this
 25 schedule before the prehearing conference today. This

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1 will certainly be helpful. As I understand, the
 2 schedule we received from the parties is unopposed, so I
 3 will read the proposed deadlines following today's
 4 prehearing conference into the record.
 5 The following deadline would be a workshop
 6 on January 26th; we have a supplemental filing from
 7 Puget Sound Energy updating power costs on February 2nd;
 8 a parties-only settlement conference on March 2nd;
 9 response testimony due date of March 16th; rebuttal and
 10 cross-answering testimony due on April 5th; a discovery
 11 cutoff of April 12th; a deadline for filing
 12 cross-examination exhibits on April 19th, and I would
 13 also take that as the deadline for filing witness lists
 14 and providing the ALJ cross-examination time estimates
 15 on that same date.
 16 The hearing date of April 22nd continuing if
 17 necessary to the following day; initial post-hearing
 18 briefs due on May 7th; reply briefs due on May 14th; and
 19 a requested final order date of June 16th. And the
 20 parties are proposing that data request response time is
 21 five business dates at the outset, which I would take to
 22 mean from the effective date of the prehearing
 23 conference order and drops to four business days after
 24 the deadline for response testimony.
 25 As I understand, the parties do not object

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1 to the schedule, but does any party have any objection
 2 or concern that they would like to raise at this time?
 3 I would -- I would be -- I'd be willing to hear from any
 4 party if anyone has any objections or any concerns, not
 5 necessarily in order.
 6 MS. GAFKEN: This is Lisa Gafken with Public
 7 Counsel. I don't have any objections or concerns about
 8 the schedule. I did want to raise one -- one additional
 9 thing, and I apologize, I -- I have not approached the
 10 parties about this, but I realized this morning the
 11 schedule [interference] a public comment hearing. It's
 12 a fairly compressed schedule, but we know that Puget
 13 Sound Energy customers engage in -- in the public
 14 process quite regularly, and so it -- it may be worth
 15 scheduling a public comment hearing for this matter as
 16 well.
 17 JUDGE HOWARD: Would -- would PSE like to
 18 respond to that?
 19 MS. CARSON: PSE has no objection to a
 20 public comment hearing.
 21 JUDGE HOWARD: Would Staff like to respond
 22 to that?
 23 MR. DALLAS: Staff does not have any
 24 objection, but I would just echo Public Counsel that it
 25 is a pretty tight schedule, so I think some thought

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1 would -- would need to be given to where to put it, but
 2 we have no objection.
 3 JUDGE HOWARD: Would -- would either of the
 4 intervenors like to respond on that issue?
 5 MR. COLEMAN: Nothing on behalf of AWEC.
 6 JUDGE HOWARD: Thank you.
 7 Mr. ffitch, you may have been muted if you
 8 were speaking.
 9 MR. FFITCH: Yes, thank you, Your Honor. At
 10 some point, I'll begin to become more adept with the
 11 mute button. I just wanted to comment that we generally
 12 support public comment hearings. We'd be happy to work
 13 with the other parties to determine what's appropriate
 14 in these cases -- in this case.
 15 JUDGE HOWARD: Ms. Gafken, seeing as there
 16 aren't any objections from the other parties, I would
 17 certainly take that -- I would take Public Counsel's
 18 point here under advisement. When I was reviewing the
 19 past schedules in PCORC proceedings, power cost-only
 20 rate cases, for PSE, I did notice that there did not
 21 appear to be public comment hearings, but that is
 22 certainly something we could consider and I will have to
 23 think about that.
 24 MS. GAFKEN: Yeah, [interference] public
 25 comment hearings were done. You know, I will just note

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1 [interference] I usually give a recommendation about
 2 when and how many hearings, and in this case, I would --
 3 I would only recommend one public comment hearing. And
 4 while it's useful to have them after response testimony
 5 is filed, given that the schedule is so compressed, I
 6 think there's a lot of flexibility as to when -- when it
 7 could be scheduled, and -- and I would say that it would
 8 just depend on Commissioner availability and the
 9 Commission's convenience.
 10 JUDGE HOWARD: Ms. Garlinghouse, did you --
 11 did you have a concern?
 12 THE COURT REPORTER: Yeah, just the first
 13 part of what she was saying was really garbled.
 14 MS. GAFKEN: My apologies. I was getting
 15 some feedback as well, so I was hoping that it didn't
 16 become too garbled. The beginning of what I was saying
 17 is that I had also noticed that previous cases had not
 18 had a public comment hearing scheduled as well but that
 19 we -- we have seen quite a bit of public participation
 20 in Puget cases. Customers are very interested in what
 21 Puget is doing and what's happening in front of the
 22 Commission.
 23 And then the next thing that I said was that
 24 I usually provide a recommendation about when and how
 25 many public comment hearings there are, and in this

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1 case, I would recommend only one public comment hearing,
 2 and in terms of when, it's nice to have the public
 3 hearing after response testimony is filed. I understand
 4 that with the compressed schedule that may be difficult,
 5 and so I recommend the hearing be set whenever it's
 6 convenient for the Commissioners.
 7 THE COURT REPORTER: Thank you, Ms. Gafken.
 8 JUDGE HOWARD: Thank you. I will take that
 9 under advisement and include a ruling in the prehearing
 10 conference order on that issue.
 11 MS. GAFKEN: Thank you.
 12 JUDGE HOWARD: Are there any other
 13 objections or concerns any party would like to raise
 14 with the schedule we've been discussing?
 15 All right. Hearing none, again, I
 16 appreciate the parties working on the schedule. I
 17 anticipate that this schedule will work for the
 18 Commission, and I will be incorporating it into the
 19 prehearing conference order.
 20 I would -- before we end today, I'm just
 21 going to touch on a few kind of housekeeping issues.
 22 The first would be on the issue of data requests.
 23 Parties in our cases often request that any data request
 24 and response are shared with every other party. We can
 25 make this easier on the parties by including such a

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1 requirement in the prehearing conference order. Is
 2 there any objection to my including that requirement?
 3 MS. CARSON: No objection.
 4 MR. FFITCH: No objection.
 5 MS. GAFKEN: No objection.
 6 MR. DALLAS: No objection.
 7 JUDGE HOWARD: Hearing no objections, I will
 8 plan on including such a requirement.
 9 And just a few more items. I would remind
 10 the parties that the Commission requires electronic
 11 filing of documents for formal filings. We will be
 12 suspending the requirements for paper copies of filed
 13 documents in light of the COVID-19 pandemic, and this
 14 will be memorialized in the prehearing conference order.
 15 Also, the Commission's rules provide for
 16 electronic service of documents. The Commission will
 17 serve the parties electronically and the parties will
 18 serve each other electronically.
 19 With regard to designating an individual for
 20 service, if any party has not yet designated a lead
 21 representative for service, please do so via email to me
 22 as soon as possible. My email is
 23 Michael.Howard@utc.wa.gov. I believe all the parties in
 24 this case so far have already entered their notices of
 25 appearance.

1 For service list additions of support staff,
2 if any of the parties would like to add names or email
3 addresses of other representatives or support staff who
4 should receive electronic courtesy copies of documents
5 filed in this proceeding, please email that to us as
6 well.

7 Finally, there's the issue of errata sheets.
8 Under WAC 480-07-461(b), the deadline for filing errata
9 sheets to exhibits may be included in the prehearing
10 conference order. Does anyone have an objection to
11 setting a deadline a week prior to the evidentiary
12 hearing for errata sheets? And actually, I would -- I
13 would amend that and I would make that the April 19th,
14 which is the same deadline as the deadline for
15 cross-exhibits and witness lists.

16 MS. CARSON: No objection.

17 MR. FFITCH: No objection.

18 MS. GAFKEN: No objection from Public
19 Counsel.

20 MR. DALLAS: No objection from Staff.

21 JUDGE HOWARD: Thank you. Hearing no
22 objections, I will include that.

23 Is there anything else we should address
24 before we adjourn today? All right. I will issue the
25 order shortly following our conference today giving the

1 CERTIFICATE
2
3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

6 I, Tayler Garlinghouse, a Certified Shorthand
7 Reporter in and for the State of Washington, do hereby
8 certify that the foregoing transcript is true and
9 accurate to the best of my knowledge, skill, and
10 ability.



11 ~~Tayler Garlinghouse~~
Tayler Garlinghouse, CCR 3358
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1 schedule and other guidelines for disposition of this
2 case. We are adjourned. Thank you.
3 (Adjourned at 9:46 a.m.)
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<p style="text-align: center;">A</p> <p>a.m 1:16 4:2 14:3 ability 15:9 accurate 15:9 add 13:2 additional 8:8 additions 13:1 address 13:23 addresses 13:3 addressing 4:15 adept 9:10 adjourn 13:24 adjourned 14:2,3 administrative 1:13 2:2 4:11 advisement 9:18 11:9 ALJ 7:14 Alliance 5:20 6:6 amend 13:13 anticipate 11:17 apologies 10:14 apologize 8:9 appear 9:21 appearance 4:16 4:21 5:3,11,17,22 12:25 appearances 4:14 appearing 5:25 appreciate 6:24 11:16 approached 8:9 appropriate 9:13 April 7:10,11,12,16 13:13 Assistant 5:5,8,14 Attorney 2:7,19 3:9 5:5,8,14 availability 10:8 Avenue 1:22 2:19 AWEC 3:2 5:17 6:6 9:5</p> <hr/> <p style="text-align: center;">B</p> <p>Bainbridge 3:10 beginning 10:16</p>	<p>behalf 4:25 5:1,5,8 5:14,20,25 9:5 believe 12:23 Bellevue 2:14 best 15:9 bit 10:19 blc@dvclaw.com 3:5 Box 2:8 Brent 3:3 5:19 briefs 7:18,18 Buell 1:21 business 7:21,23 button 9:11</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:1 4:4 15:1,1 captioned 4:8 Carson 2:12 4:18 4:19,23 6:11 8:19 12:3 13:16 case 6:24 9:14 10:2 11:1 12:24 14:2 cases 9:14,20 10:17 10:20 11:23 CCR 1:20 15:11 certainly 7:1 9:17 9:22 Certified 15:6 certify 15:8 Cleve 3:3 5:19 Coie 2:13 4:19 5:1 Coleman 3:3 5:18 5:19,21 9:5 comment 8:11,15 8:20 9:11,12,21 9:25 10:3,18,25 11:1 Commission 1:2,4 1:17 2:5 4:9,12 5:5,9 10:22 11:18 12:10,16 Commission's 6:18 10:9 12:15 Commissioner 10:8</p>	<p>Commissioners 4:13 11:6 Complainant 1:5 compressed 8:12 10:5 11:4 concern 8:2 10:11 concerns 8:4,7 11:13 conference 1:11 4:7 6:25 7:4,8,23 11:10,19 12:1,14 13:10,25 confidential 6:20 consider 9:22 Consumers 5:20 6:7 Cont 3:1 continuing 7:16 convenience 10:9 convenient 11:6 copies 12:12 13:4 copresiding 4:12 cost-only 9:19 costs 7:7 Counsel 2:17 5:12 5:15 6:12 8:7,24 13:19 Counsel's 9:17 COUNTY 15:4 course 6:21 COURT 10:12 11:7 courtesy 13:4 COVID-19 12:13 cross-answering 7:10 cross-examination 7:12,14 cross-exhibits 13:15 customers 8:13 10:20 cutoff 7:11</p> <hr/> <p style="text-align: center;">D</p> <p>D 4:4 Dallas 2:6 5:4,4</p>	<p>6:14 8:23 12:6 13:20 Daniel 2:7 5:7 daniel.teimouri... 2:10 data 7:20 11:22,23 date 7:9,15,16,19 7:22 dates 7:21 David 2:13 4:21,23 4:25 Davison 3:3 5:19 day 7:17 days 7:23 deadline 7:5,11,13 7:24 13:8,11,14 13:14 deadlines 7:3 depend 10:8 designated 12:20 designating 12:19 determine 9:13 difficult 11:4 discovery 7:10 discussing 11:14 disposition 14:1 docket 1:4 4:7 6:4 6:19 documents 12:11 12:13,16 13:4 doing 10:21 drops 7:23 dsteale@perkins... 2:16 due 7:9,10,18,18</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 3:1,1 4:4,4 15:1,1 easier 11:25 echo 8:24 effective 7:22 efforts 6:24 either 9:3 electronic 12:10,16 13:4</p>	<p>electronically 12:17,18 email 12:21,22 13:2 13:5 encourage 6:21 Energy 1:7 2:11 3:7 4:9,17,20 5:20 5:23,25 6:7,7 7:7 8:13 engage 8:13 entered 6:18 12:24 errata 13:7,8,12 estimates 7:14 evidentiary 13:11 exhibits 7:12 13:9</p> <hr/> <p style="text-align: center;">F</p> <p>F 15:1 fairly 8:12 far 12:24 February 7:7 feedback 10:15 ffitch 3:8 5:24,25 9:7,9 12:4 13:17 Fifth 2:19 filed 6:4 10:5 11:3 12:12 13:5 filing 7:6,11,13 12:11 13:8 filings 12:11 final 7:19 Finally 13:7 firm 5:19 first 4:16 10:12 11:22 five 7:21 flexibility 10:6 following 7:3,5,17 13:25 foregoing 15:8 formal 12:11 four 7:23 Fourth 2:14 front 10:21</p> <hr/> <p style="text-align: center;">G</p>
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