

Docket No. PG-160924 - Vol. I

WUTC v. Puget Sound Energy

November 1, 2016



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)

)
Complainant,)

vs.) Docket No. PG-160924

)
PUGET SOUND ENERGY,)

)
Respondent.)

PREHEARING CONFERENCE, VOLUME 1

PAGES 1-10

ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

9:30 a.m.

November 1, 2016

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98507-7250

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1 OLYMPIA, WASHINGTON; NOVEMBER 1, 2016

2 9:30 A.M.

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4 JUDGE KOPTA: All right. Let's be on the
5 record in Docket PG-160924, caption Washington Utilities
6 and Transportation Commission versus Puget Sound Energy.
7 It's November 1st, 2016, and we are here for a
8 prehearing conference.

9 My name is Gregory J. Kopta. I am the
10 administrative law judge who will be presiding along
11 with the Commissioners in this proceeding, and we will
12 begin this morning by taking appearances starting with
13 Commission Staff.

14 MS. BROWN: Sally Brown, Senior Assistant
15 Attorney General appearing on behalf of Commission
16 Staff.

17 MR. BEATTIE: Judge Kopta, also on behalf of
18 Commission Staff, Julian Beattie, Assistant Attorney
19 General.

20 JUDGE KOPTA: And on behalf of Puget Sound
21 Energy.

22 MR. WILLIAMS: Good morning, Your Honor.
23 James Williams from Perkins Coie.

24 MR. STEELE: Hi, Your Honor, David Steele
25 with Perkins Coie, as well.

1 JUDGE KOPTA: And for Public Counsel.

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

5 JUDGE KOPTA: All right. Thank you. Is
6 there anyone else who wishes to make an appearance this
7 morning?

8 Hearing nothing, we will proceed.

9 First order of business is intervention. I
10 did not receive any petitions to intervene. Is there
11 anyone who wants to make an oral petition to intervene?

12 Again, hearing nothing, I will assume not.
13 So we will not have any intervenors.

14 The second order of business is a protective
15 order. Are there parties wanting to have a protective
16 order issued in this case? No, no need for a protective
17 order?

18 MR. WILLIAMS: No, Your Honor.

19 JUDGE KOPTA: All right. Then we will not
20 enter one.

21 Now, as far as electronic service goes, do
22 the parties consent to the Commission serving documents
23 electronically should it choose to do so?

24 MR. WILLIAMS: PSE does.

25 MR. BEATTIE: Yes, for Staff.

1 MS. GAFKEN: Yes.

2 JUDGE KOPTA: Thank you. Discovery, I
3 gather by our prior discussions that the parties want
4 the discovery rules available; is that correct?

5 MR. WILLIAMS: That's correct for PSE, Your
6 Honor.

7 JUDGE KOPTA: All right. We will make the
8 discovery rules available.

9 And last on my list is the schedule for this
10 proceeding. Have the parties had an opportunity to
11 discuss schedule?

12 MR. BEATTIE: We have not, Judge Kopta, and
13 we would request a recess to discuss that off the
14 record.

15 JUDGE KOPTA: All right. And I think --

16 MS. BROWN: We have -- we have prepared a
17 proposed hearing schedule that we circulated to the
18 parties shortly before the hearing began.

19 JUDGE KOPTA: Okay. Then I will let the
20 parties discuss that. Obviously you will need as far as
21 the hearing dates go, to consult with the Commissioners'
22 calendars and mine to see which are available.

23 MS. BROWN: We did check those as well.

24 JUDGE KOPTA: All right. Great. Then I
25 will allow the parties some time to discuss that. If

1 one of you would let me know when you've reached an
2 agreement or not then we can go on the record and
3 memorialize that.

4 Is there anything else that we need to
5 discuss other than schedule at this point?

6 All right. Then let's be off the record.

7 (Recess from 9:34 a.m. until 9:48 a.m.)

8 JUDGE KOPTA: All right. Let's be back on
9 the record after our recess to discuss scheduling. The
10 parties have reached an agreement on scheduling, which I
11 will memorialize at this point. Early settlement
12 meeting will be scheduled for Thursday, December 1st,
13 2016. Staff's initial testimony will be due by Tuesday,
14 January 17th, 2017. PSE and Public Counsel response
15 testimony will be due Tuesday, February 28th, 2017.
16 Staff rebuttal and PSE and Public Counsel
17 cross-answering testimony will be due Tuesday, March
18 28th, 2017.

19 Last day to issue data requests will be
20 Tuesday, April 4th, 2017. Cross-examination exhibits
21 will be due on Friday, April 14th, 2017. The
22 evidentiary hearing will be scheduled for Wednesday and
23 Thursday, April 19th through 20, 2017, and simultaneous
24 post-hearing briefs will be due Thursday, May 25th,
25 2017.

1 In addition, the parties have agreed that
2 the default ten-day response time to data requests will
3 be shortened to seven days after PSE and Public Counsel
4 file their response testimony, and it will be further
5 shortened to five business days after Staff files its
6 rebuttal and PSE and Public Counsel will file their
7 cross-answering testimony.

8 Have I recited that correctly?

9 MR. WILLIAMS: You have, Your Honor. The
10 only other thing I would add is that PSE would expect
11 that after the early settlement meeting if that's
12 unsuccessful, there will be ongoing opportunities for
13 further settlement discussions afterwards.

14 JUDGE KOPTA: We usually like to memorialize
15 at least one settlement date in the formal schedule and
16 the understanding, of course, that parties are always
17 free to have additional settlement discussion and we
18 certainly encourage that.

19 All right. I believe there was also some
20 discovery issues that the parties wanted to discuss.

21 MR. WILLIAMS: Yes, Your Honor. On behalf
22 of PSE, I'm going to address this Staff issue and
23 Mr. Steele will talk about Pilchuck, but we've agreed on
24 November 18th as the day to try to get the two
25 depositions that we have in mind for Staff --

1 JUDGE KOPTA: It's the conference bridge.

2 MR. WILLIAMS: Okay. Staff personnel done
3 for Mr. Cullom and Mr. Rathbun on the 18th of November,
4 and if we can't finish that day, we will try to figure
5 out something else, but that's our goal right now.

6 JUDGE KOPTA: Well, that's in agreement with
7 Commission Staff?

8 MS. BROWN: That's correct.

9 JUDGE KOPTA: That works for me. That's
10 fine. Thank you for the notice.

11 MR. STEELE: Your Honor, PSE requests leave
12 to depose Pilchuck, as well. We've consulted with Staff
13 and Staff does not oppose deposing Pilchuck in this
14 case, and we understand that the Commission would have
15 to issue the subpoena to -- to -- because it would be
16 third-party discovery. PSE believes that there's good
17 ground in this case, that Pilchuck played a role
18 in -- in the facts, and that there are factual issues as
19 to what occurred that led to the explosion in this case.
20 And so we request leave that the Commission issue a
21 subpoena to depose Pilchuck and also for records as
22 well.

23 JUDGE KOPTA: Okay. That's a bit unusual,
24 but obviously the circumstances of this case are a bit
25 unusual and Commission generally does not subpoena

1 outside witnesses. What I would ask you to do is to
2 file a formal motion to that effect rather than have me
3 reconsider it right now. And also, if possible, to
4 consult with the company, Pilchuck, and their counsel to
5 see what, if anything, their view is, whether it's
6 something they would agree to, whether it was something
7 they would oppose, because I would like to know to the
8 extent possible. I will factor that into what the
9 Commission ultimately decides to do.

10 MR. STEELE: Thank you, Your Honor.

11 JUDGE KOPTA: All right. Is there anything
12 else that we need to discuss today?

13 Hearing nothing, we are adjourned.

14 (Proceeding adjourned at 10:00 a.m.)
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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Russell, 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 Russell, CCR